

CHAPTER VII – DESIGN AND IMPROVEMENT STANDARDS

Chapter Overview

This chapter sets forth the design standards with which all subdivisions must comply in accordance with the Montana Subdivision and Platting Act, [Title 76, Chapter 3, MCA \(“MSPA”\)](#). The subdivider is advised to review this chapter carefully before submitting a preliminary plat application.

VII-A General Standards

1. Compliance with Standards Required

All subdivisions must comply with the provisions of this section, except where granted a variance, pursuant to the requirements in Chapters IV, “Process,” V “Review Criteria,” and VI “Submittal Requirements.” Additional design standards for RV and mobile home subdivisions and condominiums, townhouses/townhomes, and phased developments are included in Chapter III.

2. Site Design – Compatibility

a) Multiple Uses within a Proposed Subdivision

When multiple land uses (residential, commercial and/or industrial) are contemplated within a subdivision, the subdivision shall be designed to avoid or mitigate potential compatibility issues and to provide maximum convenience to the residents.

b) Multiple Uses in Proximity to a Proposed Subdivision

Commercial and industrial subdivisions in proximity to existing residential uses shall be designed to reduce health and safety issues such as noise, odors, air pollution, traffic safety, hazardous materials on-site or in transit to the site. Residential subdivisions in proximity to existing or potential commercial or industrial uses shall also be designed to avoid or mitigate potential health and safety issues.

3. Compliance with Regulations and Plans

a) Laws, rules and Regulations

The design and development of all subdivisions shall conform to all applicable local, state, and federal laws, rules, and regulations. These include locally adopted zoning, lakeshore protection, floodplain, and public health regulations, the Montana Sanitation in Subdivisions Act, County Weed Control Act, etc. A list of rules and regulations is included in the Supplemental Administrative Materials.¹

¹ As noted in Ch. I-K, Jurisdictions will adopt regulations to suit their local needs. Many Montana governmental units post Subdivision Regulations, forms and Supplemental Administrative Materials to their websites. For additional examples of Supplemental Administrative Materials, please contact the Community Technical Assistance Program at DOCCTAP@mt.gov.

b) Relation to Adopted Plans

Subdivisions must substantially comply with adopted plans such as a growth policy, transportation plan, or community wildfire protection plan. Because plans are not regulatory, no variance for non-conformance is required, nor can denial or a condition of approval be based solely on plan conformance.

4. Subdivision Name

The subdivider shall propose a name for the subdivision with the preliminary plat application. The proposed name shall not duplicate, or too closely approximate, the name of any other subdivision within the jurisdiction covered by these regulations.

5. Addressing

In order to provide for timely response by emergency service providers, lot purchasers shall be notified of their responsibility to receive and post physical addresses. The notice shall be provided in documents to be filed with the final plat, covenants, and purchase agreements and shall read: "All addresses shall be assigned by the [\[INSERT THE NAME OF THE APPROPRIATE OFFICE OR TITLE\]](#). Address numbers shall be clearly visible from the road, either at the driveway entrance or on the structure. Address numbers shall be at least four inches in length per number."

6. Improvement Design by Qualified Professional

a) Infrastructure Other than Water and Sewer Systems

- i. Engineer Required – Except as provided in Ch. VII-A(6)(ii) and (b) below, infrastructure improvements such as roads, bridges, building pads, storm water drainage facilities along roads, and other improvements shall be designed and certified by a professional engineer licensed in the State of Montana. Hereafter in these regulations, the terms "engineer," "licensed engineer," and "professional engineer" are the same as "professional engineer licensed in the State of Montana."
- ii. Exceptions – Exceptions to the requirement for a professional engineer are specified in design standards for specific elements in this chapter. For example, a professional engineer is not required to design and certify a 2-Lot Road.

b) Water Supply, Wastewater Treatment, and Storm Water Drainage Retention Not Along Roads

Water supply and wastewater treatment systems shall be designed and certified by individuals meeting the criteria in applicable state rules for subdivisions requiring DEQ approval, as identified in the sections on Water Supply, Wastewater Treatment Systems, and Storm Water Drainage in this chapter.

c) Other Reports and Certifications

The governing body may require the subdivider to engage the services of other licensed or qualified professionals to prepare impact reports, design specifications, or special studies to provide evidence in support of subdivision elements. For example, a geotechnical engineer may be required to assess geologic hazards and a hydrologist may be required to assess water information. The governing body may also require professional review of specialized reports with the cost of this review to be borne by the subdivider.

7. Easements

Easements created for the subdivision shall include text that describes who is granting the easement, its purpose, who is the recipient or beneficiary of the easement, responsibilities and restrictions on the lot owner, who or what entity is responsible for maintenance or other responsibilities related to the purpose of the easement, and the term of the easement.

8. Waiver of the Right to Protest Special Improvement Districts

When the governing body requires the subdivider and future lot purchasers to waive the right to protest establishment of a special improvement district or a rural improvement district as a condition of preliminary plat approval, the condition shall identify the specific capital improvements for which the protest is to be waived. A waiver of the right to protest may not be valid for a time period of longer than 20 years after the date the final subdivision plat is filed with the county clerk and recorder. The waiver shall be filed with the final plat.

9. Maintenance Declarations

When the governing body requires the subdivider to create a maintenance declaration or other mechanism for ongoing maintenance of improvements, the document shall be filed with the final plat.

10. Notice to Lot Purchasers

When the governing body requires notice to be provided to future lot purchasers as described in this chapter, at the discretion of the governing body, noticing shall be provided in covenants, on or attached to the final plat, or in a separate document to be filed and recorded with the final plat.

11. No Surface Disturbance Prior to Approvals

Other than for exploration and testing required to prepare the preliminary plat application such as soil profiles or groundwater monitoring, there shall be no surface disturbance, earthmoving for roads or building sites, ditching, or other disturbance until all approvals required for the disturbance have been received. These include governing body approval as well as approval of other agencies such as DEQ, Weed District Board, DNRC and others.

VII-B Natural and Cultural Environment

1. Character and Other Natural Features

a) Purpose

The design and development of subdivisions shall substantially preserve or enhance the unique character of an area.

b) Applicability

This section applies to all subdivisions.

c) Standards

- i. Existing Conditions – New subdivisions shall be designed to generally preserve natural terrain, drainages, topsoil, and existing vegetation compatible with fire prevention and weed management.
- ii. Preserve Natural, Scenic, Cultural, and Historic Features – New subdivisions shall not result in the destruction, loss, or damage to significant natural, scenic, cultural, or historic features.

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- iii. Conform to Topography, Minimize Alteration of Land Forms – Subdivision design and development shall conform to the existing general land forms and topography except in unique circumstances where significant alterations are necessary to meet a community need identified in a plan adopted by the governing body.
- d) Applicable Plans
Applicable plans include an adopted growth policy, neighborhood plan, and historic preservation plan.

2. Unsuitable Lands

- a) Purpose
Subdivisions shall not result in development of areas that are hazardous or detrimental to public health, safety, or welfare or that may result in excessive expenditure of public funds.
- b) Applicability
Potential hazards may render a portion or all of the subdivision unsuitable for building sites, roads, and other improvements. Potential hazards include but are not limited to:
 - i. Flooding
 - ii. Landslides
 - iii. Steep terrain (in excess of 40%)
 - iv. Areas of seismic activity
 - v. High potential for wildfire
 - vi. High voltage power lines
 - vii. High pressure gas lines
 - viii. Rock falls
 - ix. Snow avalanches
 - x. Subsidence
 - xi. Soils unsuitable for construction
 - xii. High water table
 - xiii. Polluted or non-potable water
 - xiv. Aircraft or vehicular traffic hazards
 - xv. Exposure to hazardous chemicals
 - xvi. Other hazards identified on or in the vicinity of the property.
- c) Standards
 - i. Map Hazard – The potential hazard areas shall be designated on the preliminary and final plats.
 - ii. Restrictions – Subdivisions in unsuitable hazard areas are prohibited unless the hazards can be eliminated or overcome by approved construction techniques or other mitigation measures.
 - iii. Minimum Mitigation – Except as identified in Ch. VII-B(2)(c)(iv), the following minimum mitigation measures are required:
 - Geotechnical – Geotechnical evaluation, hazard avoidance, and construction recommendations in areas prone to earthquakes or in proximity to faults, landslides, steep terrain, unstable soils, rock falls, subsidence, unsuitable soils, snow avalanches, and high water table.
 - Steep Slopes – The minimum requirements for buildable sites and driveway access in areas of existing steep slopes shall be those identified in Ch. VII-D

“Lots and Blocks.” The minimum requirements for steep slopes for roads are included in Ch. VII-F “Transportation Plan.”

- Wildfire – Determination of wildland-urban interface (WUI) fire concerns (and mitigation measures?) shall be made by the fire department authority having jurisdiction (AHJ) where the subdivision is located, the county disaster and emergency services coordinator, and the administrator. The determination shall be made with consideration of WUI areas officially adopted by the governing body in the community wildfire protection plan, growth policy, or other documents and recognizing WUI maps are typically at a broad scale requiring refinement at the scale of subdivision plats.
 - Improvements – Mitigation measures can be incorporated into design plans by the subdivider.
 - Mitigation for Lot Purchasers – A written plan to be approved by the governing body prior to final plat approval that establishes how mitigation measures are to be completed by lot purchasers will be required and enforced; and
 - Notice – Lot purchasers shall be notified of no-build zone or specific construction techniques or other mitigation measures that will be required to eliminate or overcome identified hazards. Notice shall be made according to the requirements of Ch. VII-A(10), “Notice to Lot Purchasers”. This notice shall be filed with the final plat.
- iv. Waiver of Requirements – When the hazard is located on the subdivision property, requirements for mitigation may be waived if the hazard area is delineated as a no-build zone on the final plat.
- v. Mitigation Not Proposed or Approved – When mitigation of the identified hazard is not proposed, or when the subdivider’s proposed mitigation is not approved by the governing body, the governing body shall determine if the application should be denied, the mapped hazard identified as a no-build zone or conditions of approval should be applied.
- d) Applicable Plans
Plans applicable to hazards include the growth policy, pre-disaster mitigation plan, and community wildfire protection plan.

3. Flood Hazards

- a) Purpose
The purpose of this section is to reduce potential for risks to public health and safety and property damage by setting limits for construction and development in areas subject to flooding.
- b) Applicability
This section applies to any subdivision with land subject to flooding including lands within a 100-year floodplain as shown on officially adopted floodplain maps, historically flooded lands, and lands in proximity to a watercourse or drainway as those terms are defined in the Montana Floodplain and Floodway Management Act.
- c) Standards
- i. General Criteria

- Base Flood Elevation and Boundary – The base flood elevation and boundary of the 100-year floodplain area must be determined and considered during subdivision review;
 - Location of Structures – Lots intended for development must include suitable area for structures and supporting facilities (e.g., individual onsite wastewater treatment system) outside of the 100-year floodplain;
 - Surface Water Drainage – Adequate surface water drainage must be provided to reduce exposure to flood hazards;
 - Utilities – Public utilities and facilities such as sewer, gas, electrical, and water systems must be located and constructed to minimize or eliminate flood damage; and
 - Permits – Floodplain permits must be obtained before development occurs that is within a regulated flood hazard area such as a 100-year floodplain.
- ii. Determining the Extent of Flood Hazard Areas

- Areas Identified on Floodplain Maps / in Floodplain Regulations – In areas where base flood elevations exist as part of flood studies and maps established by FEMA or DNRC, the flood hazard area shall be the area where the base flood elevations intersect site-specific surveyed ground elevations. In areas where no base flood elevations are known, the subdivider is responsible for the studies and surveys addressed below under “Methodology for Determining Base Flood Elevations.” Note: These areas would also require a Letter of Map Revision to be submitted to FEMA per 44 Code of Federal Regulations 65.3.

Note: If the property owner believes the subject property has been inadvertently included in a 100-year floodplain, the property owner may have elevation provided by an engineer and seek an amendment to the floodplain map. (See below)

- Area with Watercourse Not Identified on Floodplain Maps or Regulations – If the administrator determines the property contains area with a watercourse that has the potential for flooding to impact the subdivision and that is not identified on official floodplain maps or in locally adopted floodplain regulations, the area subject to flooding shall be determined by either option #1 or #2 below:

Option #1 The flood hazard area shall be the area:

- Within 2,000 horizontal feet and less than 20 vertical feet above the ordinary high-water mark of a watercourse draining an area of 20 square miles or more; or
- Within 1,000 horizontal feet and less than 10 vertical feet above the ordinary high-water mark of a watercourse draining an area between 10 and 20 square miles.

Option #2: The flood hazard area shall be the area where the base flood elevations intersect site-specific surveyed ground elevations. Base flood

elevations shall be determined according to the “Method for Determining Base Flood Elevations” below.

- **Methodology for Determining Based Flood Elevations**
The subdivider shall provide to the subdivision administrator, floodplain administrator, and Floodplain Management Section of the Water Resources Division of DNRC the base flood elevations and the 100-year floodplain boundaries, and include a written narrative methodology, and data and calculations used to determine the base flood elevations. The evaluation must be performed by a professional engineer experienced in this field of work. The governing body may request DNRC Floodplain Management Section personnel to review and comment on the adequacy of the methodology, data, and results of the effort to determine base flood elevations on the property. If DNRC personnel are unable to provide a written review, the governing body or floodplain administrator may require the subdivider to pay the actual costs for independent peer review of the adequacy of the methodology, data and results of the study.

- iii. **Design Standards**
There shall be no building, new development, or artificial obstructions including structures, roads, or bridges with the flood hazard area unless and until all appropriate permits are obtained.
- iv. **Plat Requirements**
Preliminary and final plats shall show all flood hazard areas identified in Ch. VII-B(3)(c)(ii) above, “Determining the Extent of Flood Hazard Areas.” Final plats shall identify any flood hazard area as a no-build zone where permanent structures designed for human assembly or habitation are prohibited.
- v. **Notice to Lot Purchasers**
Notice shall be filed with the final plat that follows the requirements of Ch. VII-A(10) and includes the following information:
 - Floodplain development permits may be required for construction; and
 - Flood insurance is available through the National Flood Insurance Program, along with a recent indication of anticipated costs of obtaining such insurance.
- vi. **No Variance Allowed on Restrictions within Flood Hazard Areas**
As required under [76-3-504, MCA](#), subdivisions for building purposes are prohibited in areas located within the floodway of a flood of 100-year frequency, as defined by [Title 76 Chapter 5](#), or determined to be subject to flooding by the governing body. This means each lot must be capable of supporting development located outside of the 100-year floodplain.
- vii. **Compliance with Other Laws and Regulations**
Permits for any improvements to be installed by the subdivider (e.g., roads, electrical) must obtained prior to construction. If construction is approved to occur after final

plat filing, the permits must be received prior to final plat filing. Applicable laws and regulations that may require permits include:

- Locally adopted floodplain ordinance.
- Conservation district 310 permit – Required when a private, nongovernmental individual or entity proposes work in or near a stream on public or private land (See [76-15-701 et seq., MCA](#) for land use regulations and [75-7-101 et seq., MCA](#) for streambed and adjoining land preservation laws)
- State land use license – A land use license or easement is required for an entity proposing a project on lands below the low water mark of navigable waters as designated by DNRC.
- 318 Authorization (formerly 3A) – A permit must be obtained from DEQ prior to initiating a short-term activity that may cause unavoidable short-term violations of state water quality standards. Montana Fish, Wildlife & Parks may also issue 318 authorizations during the 310 or 124 permitting process.
- Federal Rivers and Harbors Act – Under Section 10 of the Federal Rivers and Harbors Act, any structure or work on, over, under, or affecting navigable waters requires authorization from the U.S. Department of the Army Corps of Engineers.
- Clean Water Act – Under Section 404 of the federal Clean Water Act, a permit is required from the U.S. Department of the Army Corps of Engineers for the placement of dredged or fill materials in waters of the United States.
- 401 Water Quality Permit – Montana DEQ must provide 401 water quality certification prior to issuance of Corps of Engineers permits. The certification process is handled internally through agreements between the agencies.
- Montana Pollutant Discharge Elimination System (MPDES) – Administered by DEQ, MPDES permits are intended to ensure wastewater is properly handled and treated safely. These permits are required whenever an entity wishes to discharge water into a surface water of the state.
- Storm Water Discharge Permit Program for Construction Activity – Administered by DEQ, this permit is required for construction activities with a total area of one or more acres.
- Streamside Management Zone Laws in Chapter 5, Title 77 of Montana Code Annotated.
- Stream Protection Act – This act authorizes the 124 Permit issued by Montana Fish, Wildlife & Parks.

d) Applicable Plans

Plans applicable to floodplain hazards include pre-disaster mitigation plans and growth policies.

4. Wetlands

a) Purpose

The purpose of this section is to protect and retain wetlands for the objectives of providing flood control, shoreline stability, protecting water quality, recharging groundwater supplies, and providing fish and wildlife habitat.

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b) Applicability

This section applies to subdivisions that contain or are in close proximity to wetlands. General planning level wetlands maps can be found at <http://mtnhp.org/nwi/>.

c) Standards

- i. Prohibition – No subdivision for building purposes shall be approved that falls entirely within a wetland.
- ii. Delineation and No-Build Zone – Wetlands shall be delineated by a qualified professional based upon the U.S. Army Corps of Engineers Wetland Delineation Manual including updated regional supplements. The delineated area shall be identified as a no-build zone on preliminary and final plats. However, where wetland extent is apparent, and when the preliminary and final plats identify the wetlands and provide a 150-foot no-build zone buffer surrounding the wetland, the administrator may waive the wetland delineation requirement. The no-build zone includes a building setback and vegetated buffer area.
- iii. Minimum Setback – Where wetlands have been delineated, the minimum building setback is 130 feet from the wetland, which includes a 100-foot vegetated buffer.
- iv. For wetlands and wetland complexes that are important habitat for migrating game birds and/or shorebirds, the total building setback shall encompass cropland areas adjacent to the wetlands that are used by a diversity of these species.
- v. Compliance with Other Laws and Regulations – Refer to Ch. VII-B(4)(c)(vii). above for floodplains.

d) Applicable Plans

Applicable plans include the growth policy.

5. Other Waterbodies

a) Purpose

The purpose of this section is to identify standards for subdivisions that contain or are located in close proximity to water bodies including lakes, reservoirs, ponds, perennial and intermittent streams, creeks and rivers. This section requires the use of building setbacks and vegetated buffers to protect water quality and fish and wildlife habitat while allowing for the use and enjoyment of landowners. Structural setbacks and vegetated buffers are intended for the purposes of:

- Reducing runoff by increasing stormwater infiltration into soil - less runoff means fewer nutrients and other pollutants entering the water;
- Stabilizing soils with plant root systems;
- Reducing shoreline erosion due to wave action;
- Providing flood control;
- Purifying water with aquatic vegetation; and
- Providing food, shelter, and shade for wildlife.

b) Applicability

This section applies to subdivisions that contain or are in close proximity to water bodies.

c) Standards

- i. Prohibition – No subdivision for building purposes shall be approved that falls entirely within a riparian area.

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- ii. Existing Vegetation – All waterbodies, existing riparian vegetation, and vegetated buffers shall be identified and protected. The extent of riparian vegetation shall be shown on the preliminary and final plats.
- iii. Setback and Buffer Standard – Unless locally adopted zoning includes standards for building setbacks from water bodies and requirements for vegetated buffers, the required building setback and buffer standards are as shown in Table 1 below. The total building setback shall be shown as a no-build zone preliminary and final plats. If the riparian area associated with the water body extends beyond the required vegetated buffer, the buffer shall be extended to encompass all of the riparian area. The requirements of the total building setback are:
 - A) No construction of homes or subdivision improvements except water-dependent facilities and roads and utilities as described in Ch. VII-B(5)(c)(viii) and (ix) below. Lawns may be planted and native vegetation may be removed and disturbed within the building setback (but not the buffer); and
 - B) Vegetated Buffer – No disturbance to native vegetation except as provided in Ch. VII-B(5)(c)(vii) “Native Vegetation,” (viii) “Water Dependent Facilities,” and (ix) “Road Exception” below.

Table 1: Minimum Vegetated Buffers and Setbacks

	Structural Setback from Edge of Buffer (ft)*	Vegetated Buffer (ft)**	Total Building Setback (ft)
River	50	250	300
Perennial Stream	50	150	200
Intermittent Stream, Lake, Pond or Reservoir	30	100	130

*The structural setback is measured from the farthest projection of any proposed structure (e.g., eave, wall, patio) to the outer edge of the buffer measured on a horizontal plane.

**The vegetated buffer is measured from the ordinary high-water mark of rivers, streams, lakes, ponds, and reservoirs toward the structure on a horizontal plane. For braided rivers, measure from the ordinary high-water mark of the outermost braid that is nearest to the proposed structure.

- iv. Floodplains – The standards in this section shall apply to vegetated buffers within 100-year floodplains. Where a conflict exists between this section and Ch. VII-B(3) “Flood Hazards” above, the more restrictive standard shall apply.
- v. Channel Migration Zones – If a channel migration zone study is completed for a river or stream for a time frame of 100 years or longer, the CMZ maps shall be used as a guide to extend the total building setback in order to locate development outside of the CMZ. Where the CMZ encompasses cropland, the vegetated buffer may be reduced below the required minimum.
- vi. Prohibition – No subdivision shall be approved that is determined to be wholly within a riparian area.

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- vii. Native Vegetation – In addition to the provisions of Ch. VII-B(5)(c)(viii) and (ix) below, disturbance of native vegetation is only permitted to control noxious weeds (herbicides must be approved for use in riparian environments), reduce accumulated fuels related to fire protection, erect fencing, and to remove individual trees that pose a threat to public safety.
- viii. Water-Dependent Facilities – Water-dependent agricultural facilities such as pumps, diversion structures, and similar improvements may be located within the total building setback and vegetated buffer. Water dependent recreation facilities such as docks, boat ramps, and trails that do not impact vegetated buffers supporting species of concern may be located within the total building setback.
- ix. Road and Utility Line Exemption – Road and utility construction in a riparian area shall be exempt from this section provided there is no other practical route to access the subdivision. Road and utility construction shall comply with the following standards:
 - Side-casting – The side-casting of road material into a waterbody during construction or maintenance is prohibited.
 - Erosion Control – Effective erosion and sedimentation control practices shall be conducted during all clearing, construction, and re-construction operations.
 - Minimize Site Disturbance and Fill Deposits – Vegetation and soil disturbance and fill deposits shall be the minimum necessary to meet the design standards of these regulations.
 - Perpendicular Crossing – All crossing of streams, lakes, wetlands, or other water bodies must occur at a perpendicular angle and in such a manner as to mitigate disturbance of the riparian area.
- x. Management Plan – Where roads or any other improvement is proposed to occur in a riparian area, the subdivider shall submit a management plan with the preliminary plat application. The plan shall be reviewed during the preliminary plat review process, approved by the governing body, and filed with the final plat. The plan shall include, but not be limited to the following:
 - Proposed access to or through the area, if any;
 - Proposed use of the area;
 - Planned restoration of the area with native species;
 - Planned mitigation of impacts. The plan shall demonstrate the mitigation will result in:
 - No significant adverse impact to water quality;
 - No increase in stream bank erosion;
 - No increase in flood heights or velocity of flood water; and
 - No impairment to the function of the riparian area.
 - Planned buffers to mitigate development adjacent to riparian vegetation.
 - Ownership of the buffer area (e.g., property owners association or owners of specified lots) and who will be responsible for implementing and enforcing the management plan.
- xi. Plat Requirements – Riparian areas shall be shown on preliminary and final plats and labeled “Restricted Use Area.”

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- xii. Notice to Lot Purchasers – Notice shall be filed with the final plat the following the requirements of Ch. VII-A(10) and informs purchasers of the requirements and limitations provided in this section including Ch. VII-B(5)(c)(vii), (viii), (ix) and (xi).
- xiii. Variances – Requests to vary any of the standards in this section must include information necessary to evaluate the variance request including plans, maps, specifications, photographs, and other information. The variance must be supported by finding that:
 - The hardship is not created by the applicant;
 - The variance would not adversely impact water quality or fish and wildlife habitat, increase stream bank erosion, increase flood heights or velocity of flood water, or impair the function of the riparian area.
 - The variance is as small as reasonably possible to accommodate the proposed use while preserving the purpose of these provisions.

Variances approved under this section will be considered unique and not applicable to other properties.

- d) Applicable Plans
Applicable plans include the growth policy.

6. High Groundwater

- a) Purpose
The purpose of this section is to provide for public health and safety; to ensure that high groundwater does not affect the safe bearing capacity of soil; to safeguard against unforeseen issues related to the development and construction of buildings, roads, and other infrastructure, and to protect groundwater supplies.
- b) Applicability
This section applies to areas with potential for high groundwater. Land shall be deemed subject to high groundwater based on the following:
 - i. Areas historically inundated with high groundwater;
 - ii. Areas identified as a high groundwater area by DNRC, the conservation district, or floodplain administrator;
 - iii. Soils which show signs of high groundwater and do not provide adequate percolation and absorption;
 - iv. Other relevant information indicating areas of seasonal or periodic high groundwater levels; or
 - v. Water measured less than four feet below the ground surface.
- c) Standards
 - i. Evaluation – Land deemed to be subject to high groundwater as identified in Ch. VII-B(6)(b) above shall be identified in the preliminary plat application submittal and include discussion by a professional engineer of the subdivision's likelihood to experience subsurface flooding that would impact subdivision improvements.
 - ii. Restrictions and Exemptions – Lands with high groundwater shall not be subdivided for residential, commercial, or industrial purposes unless:

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- Municipal or public sewer services will be provided for the subdivision, or other waste treatment systems approved by DEQ and/or the local public health officer or sanitarian;
 - Building plans are provided by a qualified professional engineer that recommend specifications and construction methods that are suitable for construction in areas of high groundwater; and
 - Presence of high groundwater is mapped and any construction recommendations are specified in a notice to lot purchasers, covenants, purchase agreements, and/or other documents filed with the final plat.
- iii. Compliance with Other Laws and Regulations – Applicable laws may include, but not be limited to the following:
- Montana Ground Water Pollution Control System – A permit is required from DEQ to construct, modify, or operate a disposal system or to construct or use any outlet for discharge of sewage, industrial, or other wastes into groundwater.
 - Sanitation in Subdivisions Act – A certificate of subdivision approval is required from DEQ and/or the local health department to ensure lots can be developed with adequate water supply, wastewater treatment, storm runoff controls and solid waste disposal systems.
 - Construction Dewatering – A Montana Pollutant Discharge Elimination System permit may be required from DEQ for construction dewatering.
- d) Applicable Plans
- Plans applicable to high groundwater may include the pre-disaster mitigation plan, growth policy, and water quality protection plans.

7. Weed Management and Revegetation

- a) Purpose
- The purpose of this section is to ensure areas of disturbance for roads, infrastructure, and other subdivision improvements are restored with vegetation so as to not increase the proliferation of noxious weeds.
- b) Applicability
- This section applies to subdivisions with improvements that will be installed by the subdivider.
- c) Standards
- i. Vegetation Management Plan – The subdivider shall prepare a plan to comply with the Montana County Weed Control Act describing the time and method of erosion control, seeding, fertilization practices, plant species, use of weed-free seed, and ongoing weed management procedures to be used. The vegetation management plan shall be comprised of two parts: 1) A plan and timeline the subdivider will use in conjunction with construction of subdivision improvements, and 2) plans and requirements for individual lot purchasers and for areas to be maintained jointly or as part of a property owners association.
 - ii. Weed District Board Approval – The subdivider shall submit the vegetation management plan to the local Weed District Board prior to submittal of the

preliminary plat application. Surface disturbance for subdivision improvements shall not occur until the plan is approved by the Weed District Board.

- iii. Financial Guarantee May Be Required – All areas disturbed for subdivision improvements shall be restored and re-seeded in compliance with the approved plan. The governing body may require a financial guarantee for any re-vegetation measures to be completed after final plat approval as part of a subdivision improvements agreement.
 - iv. Responsibility for Maintenance Over Time – Vegetation along roadways shall be maintained according to the provisions of a road maintenance declaration for the subdivision (refer to Ch. VII-F “Transportation Design”). Open space or property owned in common shall be maintained via a property owners association or other valid users agreement.
 - v. Notice to Lot Purchasers – Notice shall be filed with the final plat the following the requirements of Ch. VII-A(10) to inform purchasers of the requirements and limitations provided in this section.
- d) Applicable Plans
Applicable plans include the Weed District's Management Plan and the growth policy.

8. Air Quality – Dust Control

- a) Purpose
The purpose of this section is to minimize additional dust and air quality impacts from areas disturbed for construction, new gravel roads, and increased traffic on existing gravel roads.
- b) Applicability
This section applies to subdivisions with improvements to be installed by the subdivider that will result in surface disturbance, as well as impacts from increased traffic generated from the subdivision on existing gravel roads.
- c) Standards
 - i. Dust Control Plan – The subdivider shall submit with the preliminary plat application a plan intended to minimize dust during construction of subdivision related improvements. The plan shall be reviewed with the preliminary plat application. All approved dust control measures shall be carried out during construction.
 - ii. Dust Control Measures – Any subdivision related activity that disturbs the top layer of soil shall provide dust control measures that may include, but are not limited to, regular watering of unpaved roadways during construction, covering soil stockpiles in anticipation of wind events, and applying soil binding agents on unpaved roadways and other disturbed areas.
 - iii. Carryout to Paved Roadways Prohibited – Construction activities shall not result in carryout of mud and soils from the subdivision site onto paved roadways. The subdivider shall be responsible for ensuring soil is not carried out to adjacent roadways and may be required to sweep or wash road surfaces.
 - iv. Proportionate Share – The subdivider may be required to provide for a proportionate share of dust suppression of offsite gravel roadways during construction.
 - v. Ongoing Dust Suppression - Dust suppression responsibilities and cost sharing for new roads and unpaved surfaces within the subdivision shall be addressed in a road

maintenance Declaration (see Ch. VII-F. “Transportation Design”). Lot purchasers may be required to provide for a proportionate share of dust suppression of offsite gravel roadways over time with notice to be provided to purchasers as described in Ch. VII-A(10) of this chapter.

d) Applicable Plans

Applicable plans may include air quality plans and the growth policy.

9. Wildlife and Wildlife Habitat

a) Purpose

The purpose of this section is to ensure that new development is designed to avoid or reasonably minimize adverse impacts to wildlife and wildlife habitat and to reduce the potential for human/wildlife conflicts.

b) Applicability

These standards apply to any subdivision containing or adjacent a water body, big game winter range, public hunting area, bear habitat, native grassland, native shrub habitat, and area where species of concern are known to occur.

c) Standards

i. Wetlands and Other Waterbodies

Subdivisions shall be designed to conserve wetland and other waterbodies in accordance with the standards in Ch. VII-B(4) and Ch. VII-B(5).

ii. Big Game Winter Range and Other Seasonal Habitat

- Clustering – Cluster areas to be develop as far from big game winter range as possible and close to existing and planned development (e.g., roads, other structures).
- Open Space – Locate areas of open space adjacent to existing big game winter range or open space on adjacent lands to maintain functional connections.
- Wildlife Linkages – Provide or maintain linkage within a big game winter range patch, between isolated patches of big game winter range, or between other seasonal habitat and big game winter range. Where possible, maintain wildlife linkage widths a minimum of one mile for elk and one-half mile for other species. For white-tailed deer, mule deer, and moose, maintain wildlife linkages along wetlands, other waterbodies and associated riparian areas where present.

iii. Wildlife Management/Public Hunting

Subdivisions shall be designed to avoid or reduce conflicts between subdivision development and public hunting areas. Based on topography and other physical characteristics, locate development a safe distance from adjacent public hunting areas.

iv. Areas of Human/Bear Conflicts

- Solid Waste – Where common garbage collection facilities are provided, the facilities shall be designed to be bear-resistant. Where no common facilities

are provided, notice shall be provided to lot purchasers recommending the use of bear-resistant garbage containers and practices (e.g., store containers in enclosed buildings until pickup).

- Notice to Lot Purchasers – Notice shall be provided to lot purchasers to discourage bear attractants such as bird feeders, fruit trees, and chicken coops in accordance with Ch. VII-A(10) of this chapter.

v. Native Grassland and Native Shrub Habitats

- Clustering – Cluster development areas as far from native grassland and native shrub habitats as possible and close to existing and planned development (e.g., roads, other structures).
- Extent – For native grassland and native shrub habitat larger than 25 acres in size, a maximum of 20% of the property shall be designated for development (e.g., roads, utilities, structures) to maintain larger landscapes for wildlife habitat.
- Open Space – Located areas of open space adjacent to existing native grasslands and native shrub habitats to maintain functional connections and linkages for wildlife movement.
- Utility lines – Utility lines shall be placed underground.

vi. Species of Concern

- Where species of concern are known or predicted to occur on or adjacent to the subdivision property, the subdivision shall be designed to avoid or reduce potential impacts. The subdivider is advised to contact Montana Fish, Wildlife & Parks and/or a professionally trained biologist for guidance on specific species of concern.
- No Build Zone – The subdivider may be required to designate areas important for wildlife and wildlife habitat as a no-build zone on the plat.
- Notice to Lot Purchasers – The subdivider may be required to provide notice to lot purchasers of the requirements of this section in accordance with Ch. VII-A(10).

VII-C Water Rights and Agricultural Water User (Irrigation) Facilities

1. Purpose and Applicability

a) Purpose

The purpose of this section is to ensure water rights associated with the property are understood and conveyed in accordance with the requirements of the MSPA. This section is also intended to ensure irrigation companies can continue to convey irrigation water and surplus drainage water and can continue to maintain the facilities. This section is intended to comply with the provisions of [76-3-504, MCA](#) regarding water rights and irrigation facilities.

b) Applicability

All subdivision property that has irrigation water rights, including when the property is located within an irrigation district or similar entity, shall comply with this section. Provision of easements for irrigation facilities is dependent on the qualifying criteria in the sections below.

2. Disposition of Water Rights

a) Documentation

The subdivider shall document all existing appropriated water rights and/or any contract, membership, or interest in a public or private entity providing water to or through the land to the subdivided.

b) Subdivisions with Lots Averaging Less than Five Acres

When a subdivision will create lots averaging less than five acres in size, the subdivider shall submit evidence with the final plat that the subdivider has addressed the following:

- i. Requirements for Reserving and Transferring Water Rights – The owner of the land to be subdivided can either 1) reserve and sever all surface water rights from the land; or 2) transfer all or a portion of the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water. After transfer to the single entity, the subdivider shall reserve and sever any remaining surface water rights from the land.
- ii. Contract or Interest in an Entity Providing Water – If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots:
 - Landowners' Water Use Agreement – The subdivider shall establish a landowners' water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; and
 - Review by Entity Providing Water – The subdivider shall provide the entity providing water with the draft landowners' water use agreement for review and comment. The governing body may require the subdivider to modify the draft agreement prior to filing the final agreement with the final plat.

c) Subdivisions with Lots Averaging Five Acres or More

When a subdivision will create lots averaging five acres or more in size, the subdivider shall provide an irrigation plan as described in Ch. VII-C(4) below or shall reserve and sever all irrigation water rights/shares from the property.

d) Compliance with Other Applicable Laws and Regulations

Water rights are managed by Montana DNRC. Irrigation entities may have policies for management and use of irrigation water and facilities within the districts.

3. Irrigation Easements

a) Easement Requirements

Except as provided in Ch. VII-C(4)(b) below, the subdivider shall establish ditch easements that meet all of the following requirements.

- i. Sufficient Location for Placement and Maintenance – Ditch easements shall be in locations of appropriate topographic characteristics and of sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of irrigation water to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other

- private or public entity formed to provide for the use of the water right on the subdivision lots.
 - ii. Easement Measurement from Centerline – Easements shall be a sufficient distance from the centerline of the ditch or pipeline to allow for construction, repair, maintenance, and inspection.
 - iii. Structures and Certain Vegetation Prohibited – The placement of structures and the planting of vegetation other than grass within the ditch easement shall be prohibited without written permission from the ditch owner.
 - iv. Review by Entity Providing Water - The subdivider shall provide the entity providing water with the draft plat and/or easement documents for review and comment. The governing body may require the subdivider to modify the easement prior to filing the final plat.
- b) Exemptions from Irrigation Easement Requirements
The subdivider need not establish irrigation easements if:
 - i. Average Lot Size is Less than One Acre and Disclosure of Possible Assessment – No easement is required if the average lot size is one acre or less and the subdivider provides for disclosure in a document to be recorded with the final plat that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable.
 - ii. Disclosure of Water Rights to be Removed – No easement is required if the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions. This notification shall be included in a document to be recorded with the final plat.
- c) Easements to be Filed and Recorded
 - i. Plat and Written Easements Required – The subdivider shall show the easements on the preliminary and final plat and file and record with the county clerk and recorder, written easements for the ditches or pipelines.
 - ii. Language Required for the Easement – The easement document to be filed and recorded with the final plat must include the following language: “The ditch easement is for the unobstructed use and maintenance of water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water to lands within and adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. Placing structures, including fences, or planting vegetation other than grass within the irrigation easements is prohibited without the written permission of the ditch owner.”

4. Irrigation Plan

a) Water Delivery System

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- i. Required When Water and/or Assessments to be Allocated to Subdivision Lots – When irrigation water, water rights, shares, or operation and maintenance assessments are to be transferred to one or more of the lots within a subdivision or to a single entity, the subdivider submit an irrigation plan with the preliminary plat application.
 - ii. Irrigation Plan Contents – The irrigation plan shall identify of how water will be provided to lot owners. Access ways and irrigation facilities such as ditches, headgates, pumps, and pipelines shall be depicted on maps. The plan shall identify rights and responsibilities of landowners and irrigation facility owners/operators including how and when repair and maintenance will be performed and how costs will be divided among the various parties. The plan shall also identify how costs are to be divided and how water is to be allocated.
 - iii. Preparer – The plan shall be prepared by a person with working knowledge or irrigation water delivery systems.
 - iv. Provider Review – The subdivider shall provide the entity providing water with the draft irrigation plan for review and comment. The governing body may require the subdivider to modify the plan to address the comments prior to approval by the governing body and filing the final plat.
 - v. Installation of Improvements Prior to Final Plat Approval – Unless otherwise agreed to by the entity providing water and governing body, all improvements specified in the approved irrigation plan shall be installed prior to final plat approval.
 - vi. Recording Irrigation Plan – The approved irrigation plan and all related information such as irrigation water users association documents shall be filed with the entity providing water as well as the county clerk and recorder prior to or concurrent with final plat filing.
- b) Approval for Severing Water Rights or Shares
If irrigation water rights or shares are proposed to be severed from all or a portion of the subdivision property, the subdivider shall obtain written approval of the irrigation entity/provider.
- c) Applicable Plans
Applicable plans include the growth policy.

VII-D Lots and Blocks

1. Lots

- a) Purpose
The purpose of this section is to ensure each lot has a safe and suitable building site, is accessible to emergency service providers, and is adequately sized to meet zoning requirements.
- b) Applicability
This section applies to all subdivisions.
- c) Standards

- i. Building Site – Each lot shall contain one or more building site to support the proposed use of the property and that conforms to requirements for water supply, wastewater treatment, storm drainage, and applicable zoning regulations.
- ii. Steep Slopes
 - Requirements for Residential Lots in Areas of Steep Slopes
 - Building Site – Each residential lot shall have an identifiable building site of at least 40 x 40 feet on land that is less than or equal to 40% slope, prior to any alteration of the property. Where a potential building site is not obvious, two-foot ground contour intervals shall be shown on the preliminary plat for a building site that is accessible by a driveway meeting the standards below. Any building site on slopes between 25 and 40% shall be required to undergo a geotechnical soils analysis by a licensed professional engineer prior to final plat approval. The analysis shall demonstrate development of the lot would not pose significant risk to the lot or neighboring property due to geological hazards.
 - No-Build Zones - No building site shall exceed 40% slope prior to any alteration of the property. Areas in excess of 40% shall be labeled a no-build zone on the final plat.
 - Driveway Access – A building site must be accessible by a 12-foot wide driveway with bearing capacity and curve design sufficient to support a loaded fire truck. The driveway must have a maximum grade of 12% with a maximum 5% slope for the initial 20 feet adjoining the access road, and a safe turn-around area for a fire truck. Where a potential driveway location to a building site is not obvious, evidence of suitability for the driveway shall be demonstrated with a schematic location of the driveway on the final plat (or site plan to be filed with the final plat), geotechnical analysis, and certification from a licensed engineer that a driveway meeting these standards is buildable.
 - Requirements for Commercial and Industrial Lots in Areas of Steep Slopes - No building site shall exceed 15% prior to alteration of the property. Areas in excess of 15% shall be labeled a no-build zone on the final plat.
 - Fire Chimneys – Building sites are prohibited within ravines and other topographical features that can rapidly convey wildland fire. Building sites shall be placed at least 150 feet from the apex of fire chimneys. Such features shall be labeled a no-build zone on the final plat.
 - Grading Requirements – If grading is proposed, necessary, or required for development of the subdivision, grading shall follow the requirements of Ch. VII-E(4) “Grading and Drainage.”
- iii. Dimensions and Orientation
 - Irregular Shapes – Lots with irregular shapes such as narrow necks, points, and flag shapes shall be permitted only when the subdivider can demonstrate the proposed lot designs are necessary due to unique topography or other constraints. The minimum width for a flag shaped lot is 20 feet abutting a street or road.

- Depth to Width Ratio – The maximum depth to width ratio shall be 3:1 unless the average lot width is more than 200 feet.
 - Orientation to the Road – Side lot lines must be at substantially right angles to street or road lines and radial to curved street or road lines.
 - Through or Double-Front Lots – Through or double-fronted lots are prohibited except when essential to provide for the separation of residential development from Arterial or Collector streets and roads, or to overcome specific disadvantages of topography or orientation and there is no other acceptable design alternative.
- iv. Zoning Compliance – The size, width, depth, shape, and orientation of lots shall conform with applicable zoning regulations. Zoning regulations shall govern in any case of conflict with the following subdivision requirements.
- v. Division by Right-of-Way and Other Boundaries
- Prohibitions
 - Jurisdictional Boundaries and Districts – No lot may be divided by a municipal or county boundary line, different zoning districts, or by separate taxing districts.
 - Rights-of-Way and Vehicular Access Easements – No lot may be divided by a dedicated right-of-way or vehicular access easement (road, street, alley, etc.), railroad line, or in the case of a blanket easement, the actual location of vehicular access.
 - Certain Divisions by Easement Allowed – No lot may be divided by a public or private utility easement, including irrigation, pipeline, and powerline easements, unless the preliminary plat application demonstrates the easement will not limit access to all portions of the property, and will not interfere with development of the property for its intended use.
- vi. Lot Access
- Road Frontage – All lots must front on a street or road and shall have at least the minimum frontage width as required by applicable zoning regulations.
 - Minimum Street Frontage – The minimum street frontage for any lot is 50 feet, except for irregularly shaped lots (Ch. VII-D(1)(c)(iii) above), where the minimum shall be 20 feet. An irregularly shaped lot includes any lot located on a cul-de-sac or abutting a curved section of a roadway.
 - Alleys – Alleys may be used to provide the primary vehicular access to a lot provided the lot also fronts on a street or road.
 - Corner Lots – Corner lots must have driveway access from the street or road designed to serve less traffic. The final plat shall show the street or road where no access is allowed as a no-access area or no-access easement.
 - Access by Fire Suppression Equipment – All lots shall be designed to ensure fire trucks have access to within 150 feet of all portions of building sites.
 - Cross Access – Cross access for on-site parking shall be required for commercial and mixed-use complexes that front Arterial or Collector streets. All lots shall provide an access connection to abutting parking areas that is at least 36 feet in width. The subdivider shall establish a common access easement across the lots. Cross access is also the desired standard for multi-unit housing developments with adjoining parking.

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- vii. Lot Use – Lots may be created that are not intended for building (e.g., a park or a lot for a community wastewater treatment system). In these cases, the preliminary and final plats shall designate the intended purpose of the lot and who shall own the lot.

2. Blocks

a) Two Rows of Lots Required

Blocks must be wide enough to allow for two rows of lots unless a narrower configuration is essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography or orientation.

b) Length and Other Requirements

Other requirements for blocks, including length, are included in Ch. VII-F., “Transportation Design.”

VII-E Local Services and Infrastructure

1. Water Supply

a) Purpose

The purpose of this section is to ensure water quantity and quality adequate for human consumption, fire protection, and the proposed use of the subdivision.

b) Applicability

This section applies to all subdivisions.

c) Standards

- i. Lots Less Than 20 Acres – The proposed method of supplying water to each lot in a subdivision must comply with the design standards adopted by Montana DEQ and contained in the Administrative Rules of Montana 17.36.330 – 17.36.336.
- ii. Lots Greater Than or Equal To 20 Acres – The subdivider shall demonstrate, in accordance with [76-3-622, MCA](#), there is an adequate water source on each lot prior to final plat approval.
- iii. Existing Water Systems for Lots Greater Than or Equal to 20 Acres – The subdivider must provide documentation of compliance with local health department standards for water supplies. If there are no written standards, the minimum standard shall be documentation that the existing system is functioning properly, is permitted (or established prior to state permitting requirements), and a lot layout demonstrating there is an adequate space for the water supply source and at least one area of a septic system and replacement drainfield for each lot.
- iv. Cisterns – If cisterns are proposed, either using on-site or off-site water supply, the proposed water supply system must meet local health department standards. If there are no written standards, the system shall meet the standards adopted by Montana DEQ.
- v. Well Isolation Zone Encroachment – The well isolation zone of any proposed well to be drilled for a proposed subdivision shall not be allowed to encroach onto adjoining private property unless the owner of the private property authorizes the encroachment via written agreement.
- vi. DEQ/Local Health Department Approval – The governing body shall not approve a final plat unless the subdivision has been approved by DEQ for subdivisions with lots

less than 20 acres and by the local health department for lots equal to or greater than 20 acres. The approval shall be filed with the final plat.

- vii. Public Water Systems – All subdivisions with a public water supply as defined in [75-6-102, MCA](#) shall be reviewed and approved by Montana DEQ.
 - viii. Water Supply for Fire Suppression – All subdivisions must provide adequate and accessible water for fire suppression per the requirements of these regulations. Refer to Ch. VII-E(8) for fire suppression requirements.
 - ix. Easements – Easements are required for any water system other than individual. Easements are also required if the source of water for an individual lot is not located on that lot.
 - x. Other Permits/Approvals:
 - Public Service Commission (PSC) – Shared, multiple user, and public systems are subject to the jurisdiction of the Montana PSC unless exempted per the definition in [69-3-101, MCA](#).
 - Department of Natural Resources and Conservation (DNRC) – Montana law requires the development of new water sources (after July 1, 1973) to be filed with the Montana DNRC to receive a water right. For groundwater developments, wells and developed springs, the amount of water to be used will determine which form to file with DNRC.
- d) Applicable Plans
- Applicable plans include the growth policy, local health department plans, infrastructure extension policies, and capital improvements plans for public water supplies.

2. Wastewater Treatment

- a) Purpose

The purpose of this section is to provide for wastewater treatment systems that protect public health, safety, and water quality.

- b) Applicability

This section applies to all subdivisions.

- c) Standards
 - i. Lots Less Than 20 Acres – The proposed method of treating and disposing of wastewater from each lot in a subdivision must comply with the design standards adopted by Montana DEQ and contained in the Administrative Rules of Montana [17.36.320 – 17.36.327](#).
 - ii. Lots Greater Than or Equal To 20 Acres – The subdivider shall demonstrate, in accordance with [76-3-622, MCA](#), there is at least one area for a septic system and a replacement drainfield for each lot prior to final plat approval.
 - iii. Existing Wastewater Systems for Lots Greater Than or Equal to 20 Acres – The subdivider must provide documentation of compliance with local health department standards for wastewater treatment. If there are no written standards, the minimum standard shall be documentation that the existing system is functioning properly, is permitted (or established prior to state permitting requirements), and a lot layout demonstrating there is an adequate space for the water supply source and at least one area of a septic system and replacement drainfield for each lot.

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- iv. DEQ/Local Health Department Approval – The governing body shall not approve a final plat unless the subdivision has been approved by DEQ for subdivisions with lots less than 20 acres and by the local health department for lots equal to or greater than 20 acres. The approval shall be filed with the final plat.
 - v. Public Sewage Systems – All subdivisions with a public sewage system as defined in [75-6-102, MCA](#) shall be reviewed and approved by Montana DEQ.
 - vi. Easements – Easements are required for any system other than individual. Easements are also required if the source of water for an individual lot is not located on that lot.
 - vii. Other Permits/Approvals:
 - Public Service Commission – Shared, multiple user, and public systems are subject to the jurisdiction of the Montana PSC unless exempted per the definition in [69-3-101, MCA](#).
- d) Applicable Plans
Applicable plans include the growth policy, local health department plans, infrastructure extension policies, and capital improvements plans for public wastewater treatment.

3. Solid Waste

- a) Purpose
The purpose of this section is to ensure solid waste disposal can occur in a safe and healthful manner.
- b) Applicability
This section applies to all subdivisions.
- c) Standards
The subdivider shall provide a plan for collection and disposal of solid waste that meets the requirements of the local health department, Montana DEQ (for lots less than 20 acres), and the following standards.
 - i. Solid Waste Haul Responsibilities – Subdivisions with lots of five acres or greater in size may include plans for individual lot owners to haul solid waste. Subdivisions with lots of less than five acres shall be provided with either curbside pick-up, alleyway pick-up, or an off-street collection area where collection service is available. The subdivider shall consult with a private hauler to determine whether curbside or alleyway pick-up or an off-street collection area is more appropriate.
 - ii. Off-Street Collection Area – When an off-street collection area within the subdivision is planned, the collection area shall be screened from public view and conveniently accessible to collection vehicles.
 - iii. Licensed Solid Waste Disposal Site – Solid waste removed from a subdivision must be disposed of at a site licensed by Montana DEQ in accordance with [17.50.508, ARM](#) or at an appropriate site out-of-state.
 - iv. Easements – Easements shall be required for off-street collection areas unless the area is located on a separate lot intended for the purpose of managing solid waste.
 - v. Other Permits/Approval

- Local Health Department and DEQ – Approval of the solid waste collection system by DEQ (for lots less than 20 acres) and the local health department (for lots 20 acres or more) is required.
- Hauler and Solid Waste Facility – Written notice from the entity managing the proposed solid waste facilities (e.g., transfer stations and landfills) that there is adequate capacity to serve the subdivision must be submitted prior to final plat approval. If a contract hauler is proposed, the subdivider shall submit written notice prior to final plat approval that the hauler can serve the subdivision.

d) Applicable Plans

Applicable plans include the growth policy, local health department plans, infrastructure plans, and capital improvements plans for solid waste.

4. Grading and Drainage

a) Purpose

The purpose of this section is to protect public health and safety by minimizing hazards including soil erosion, instability of sites for road and buildings, water pollution, and other dangers associated with development on hillsides, ravines, coulees, and other areas of steep slopes.

b) Applicability

This section applies to all subdivisions where surface disturbance is required for construction of infrastructure including roads, utilities, and stormwater systems. It also applies where the subdivider or lot purchasers will grade sites for buildings and driveways.

c) Grading Standards

Grading is the work of ensuring a level base or a specified slope. Grading occurs when an area is prepared for constructing building sites, utilities, and roads. Grading on slopes results in cut and fill. Cut is soil material that is removed from an area. Fill is soil material added to an area. Cut and fill can be balanced, meaning that cut and fill soils are from the same site. Cut and fill can also be imported to a site or exported to another location.

- i. Engineered Plans – All grading plans and specifications shall be prepared and certified by a licensed professional engineer to meet the following standards.
- ii. Soils with Sufficient Bearing Capacity – All soils shall be compacted and stabilized to a sufficient bearing capacity for the intended use (e.g., roads, residential buildings sites, commercial-industrial sites).
- iii. Stormwater Runoff – Grading shall not significantly increase the rate of stormwater runoff and shall avoid the erosion of natural or constructed slopes and sediment accumulation in natural drainage channels and watercourses. Runoff shall be directed away from cut and fill slopes.
- iv. Natural Drainage – Grading shall not significantly alter natural drainage patterns.
- v. Contours of Existing and Adjoining Landforms – Final contours and slopes shall generally reflect existing landforms and be compatible with existing grades on adjoining property.
- vi. Natural Vegetation – Grading shall be designed to preserve natural or established vegetation to the greatest practical extent.

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- vii. Balanced Cut and Fill – Grading plans shall balance cut and fill onsite so that the import and export of materials for development is minimized to the greatest practical extent.
 - viii. Slope Ratio – The desired minimum slope is 3:1 (horizontal:vertical). Slopes steeper than 2:1 on other than a solid rock face shall not be allowed unless it can be demonstrated there is no alternative.
 - ix. Re-vegetation – Areas disturbed for grading shall be re-vegetated according to the approved vegetation management plan. Refer to Ch. VII-B(7)(b) in this chapter.
 - x. Easements shall be required for any cut and fill that extends beyond the easement for a road or otherwise not included in another easement.
 - xi. Other Permits and Approvals – Refer below for stormwater drainage.
 - xii. Notice to Lot Purchasers – Notice shall be made to lot purchasers of their responsibilities for grading according in accordance with the requirements of Ch. VII-A(10). This notice shall be filed with the final plat.
- d) Stormwater Drainage Standards
- i. Lots Less than 20 Acres – When a subdivision include any lot less than 20 acres in size, the subdivider must submit a stormwater management plan with the preliminary plat application. The plan must be approved by Montana DEQ prior to final plat approval.
 - ii. All Lots 20 Acres or Greater – When all lots are 20 acres or greater, the stormwater management plan must meet the standards of and be approved by the local health department, and must meet the standards set forth in these regulations. If the health department has no written standards, the stormwater drainage plan shall meet the standards identified in DEQ Circular 8 and the applicable ARMs. At the time these subdivision regulations were prepared, the applicable rules are found in [17.36.310, ARM.](#)
 - iii. Roadside Drainage – Subdivision roads shall have drainage facilities designed to collect roadway drainage and to prevent runoff from surrounding land from sheet-flowing over the road. This shall include roadside drainage ditches or swales, and culverts and bridges where necessary.
 - iv. Design for Natural Drainage – Natural drainage ways shall be preserved and accommodated at necessary crossings to access subdivision lots. Lots shall be arranged to preserve and maintain natural drainage channels. Ephemeral streams or channels shall be addressed in stormwater drainage plans.
 - v. Easements – Drainage facilities for any surface runoff generated within the subdivision must be located in street or road rights-of-way or in perpetual easements of appropriate size and location. The subdivider shall dedicate or obtain easements to prevent encroachment into or disruption of drainage facilities. All drainage easements must be shown on the plat along with a signed statement from the subdivider dedicating the easements for this purpose.
 - vi. Subdivider Installation – The subdivider shall install all improvements specified in the approved stormwater management plan that serve more than two lots, including stormwater facilities along or across roads and detention and retention facilities.
 - vii. Maintenance – The stormwater management plan must include a method of maintenance including cost sharing, and designate responsible parties.

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- viii. Other Permits/Approvals – The subdivider shall obtain and provide a copy of following permits prior to final plat approval or prior to construction, whichever comes first:
 - Stormwater Discharge – Construction activity resulting in greater than one acre of disturbance requires a permit from the DEQ Water Protection Bureau.
 - Wastewater Discharge – Discharge to surface water, including work related to construction dewatering, requires a Montana Pollution Discharge Elimination System permit from the DEQ Water Protection Bureau.
 - ix. Notice to Lot Purchasers – Notice shall be made to lot purchasers of their responsibilities for stormwater drainage in accordance with the requirements of Ch. VII-A(10). This notice shall be filed with the final plat.
- e) Applicable Plans
Applicable plans include the growth policy, infrastructure extension policies, and capital improvements plans for public stormwater facilities.

5. Utilities (Electricity, Telecommunications, Gas)

- a) Purpose
The purpose of this section is to ensure all lots in a subdivision have power and telephone capability to ensure public health and safety. Further, it is the purpose of this section to provide for underground installation to reduce fire and public safety hazards that may occur with overhead lines, as well as to reduce visual impacts.
- b) Applicability
This section applies to all subdivisions. For the purposes of this section, utilities means electricity, telecommunications (telephone, internet and cable television), and gas.
- c) Standards
 - i. Installation by the Subdivider
 - Subdivider to Install Electricity and Telephone – The subdivider shall install electrical power and telephone service connections to the street property line of each platted lot. Documentation of existing cellular telephone service is a legitimate alternative for underground telephone lines.
 - Other Utilities – The governing body may require installation of gas lines, telecommunications (broadband, cable), or conduit (for later installation of service lines. If conduit is required it shall meet the specifications of the utility provider.
 - ii. Location
 - Underground Utilities – All new utilities shall be installed underground.
 - Location in Relation to Roads and Lots:
 - Required Location – Utilities shall be located along roadways or alleys, or when necessary between adjoining lots. When utilities are to be installed along roadways, they must be installed after the road has been brought to grade and before it is surfaced.

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- Service Provider Preference – If a utility provider prefers another location not required by these regulations, the location shall be subject to approval by the governing body.
 - Encroachment Permit – When a utility is to be located in an existing dedicated right-of-way, a notice of the utility occupancy or encroachment permit must be obtained from the road authority such as the road department, public works department, or Montana Department of Transportation.
 - Co-Location and Separation Distances
 - In Relation to Water, Sewer and Others – Location of electric, gas, and telecommunications lines in proximity to water, sewer, storm drainage and other water conveyances shall meet the separation distances in Ch. VII-F, “Transportation Design.”
 - Design Plan for Co-Location – The subdivider shall provide a design plan for co-locating electricity, telecommunications, gas, and any other utility or service in a single trench to all affected service providers for review prior to installation.
 - iii. Easements
 - Extending Utilities to the Subdivision – The subdivider must obtain any easements necessary to extend utilities to the subdivision.
 - Easements on Adjoining Lots – Easements serving adjoining lots must be centered on adjoining lot lines.
 - Width – Easements must be a minimum of 30 feet unless otherwise designated by the utility providers. Easements shall be of sufficient width to allow the physical placement and unobstructed maintenance of the utilities.
 - Purpose – The easement shall clarify use of the easement as single utility or for co-location of electricity, telecommunications, and gas lines. Any additional purposes shall be clearly specified.
 - Lot Owner Restrictions – The easement shall specify any restrictions on use of the easement by the lot owner, including but not limited to placement of structures, vegetation other than grass, etc.
 - iv. Plat Requirements – Preliminary and final plats shall show all existing and proposed utilities and easements in their true and correct locations. This shall include the location of utilities to be installed to the subdivision on the plat or a supplement.
 - v. Utility Provider Review and Approval – The subdivider shall submit documentation of utility provider approval with the final plat application. This shall include approval of any co-location design plan, easement locations, and easement document language when applicable.
- d) Applicable plans
Applicable plans include the growth policy, capital improvements plans, and engineering plans.

6. Mail Delivery

a) Purpose

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The purpose of this section is to provide for safe and convenient U.S. Postal Service (USPS) delivery and to avoid on-site mailbox along roadways that may pose a hazard to public health and safety.

b) Applicability

This section applies to all subdivisions except on-lot subdivisions with an existing dwelling or occupied business already receiving mail at the location.

c) Standards

- i. U.S Postal Service Approval – Mail delivery for the proposed subdivision shall be designed in consultation with the USPS as either delivery to individual lots, cluster mailbox units (CBUs) within the subdivision, post office boxes, or a combination. USPS approval is required prior to final plat approval.
- ii. CBUs:
 - Location – The preferred location is within a designated off-street area such as a parking lot. At a minimum, CBUs located along a road shall have a vehicle pull-out no less than 10 feet wide.
 - Montana Department of Transportation or Local Government Approval – Written approval is required from MDT or the local road or public works department for CBU locations along state highways or local government roads.
 - Installation and Maintenance – The subdivider shall install the road pull-out and CBU and provide a plan for long-term maintenance, including year-round access (e.g., snow removal), repair and replacement of the CBU, and mechanisms by which lot owners will be assessed to cover costs.

7. Parkland Dedication Requirements

a) Purpose

The purpose of this section is to provide for parks and recreation areas.

b) Applicability

This section applies to:

- i. First minor subdivisions:
 - That include condominiums or other multi-family housing;
 - Areas where zoning regulations permit condominiums or other multi-family housing; and
 - Where any lots are within a municipal boundary.
- ii. Subsequent minor subdivisions; and
- iii. All major subdivisions (6 or more lots) including subdivisions creating spaces for RVs, mobile homes, condominiums, and townhomes.
- iv. Exceptions – Any subdivision is exempted from these parkland dedication requirements under the following conditions:
 - The subdivision only creates one additional lot;
 - The subdivision creates lots that are all nonresidential; or
 - All residential lots in the subdivision are greater than five acres in size.

c) Standards

- i. Dedication of Parkland or Cash Donation – The dedication of parkland or cash donation shall be made by either of the formulas below.
 - Formula for Subdivisions in Areas with No Density Requirements – The subdivider shall dedicate to the governing body cash or land donation equal to:
 - 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;
 - 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than one acre;
 - 5% of the area of the land proposed to be subdivided into parcels larger than one acre and not larger than three acres; and
 - 2.5% of the area of the land proposed to be subdivided into parcels larger than three acres and not larger than five acres.
 - Formula for Subdivisions in Areas with Density Requirements – The subdivider shall dedicate to the governing body cash or land donation equal to 0.03 acres per dwelling unit. For these purposes, dwelling unit means a residential structure in which a person or persons reside. The governing body may require the calculation to be based on the maximum number of dwelling units allowable under the zoning for the area.
- ii. Land to Be Usable and Accessible – Land dedicated for parks or recreational purposes shall be useable, of appropriate shape and size for the intended purpose, and shall have convenient access by public roads. However, in circumstances where the parkland contains important natural or environmental features such as a stream or wetland, a portion of the parkland may be a natural area used for passive recreation such as sitting on a park bench overlooking the area.
- iii. Location of Land Donation – The governing body may approve land for parks and recreation inside or outside of the subdivision.
- iv. Governing Body Determination of Land or Cash Donation – The governing body, in consultation with the subdivider and planning board or parks board, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or combination. When a combination of land and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation.
- v. Calculation of Cash Donation – For the purposes of this section, cash donation means the fair market value of the unsubdivided, unimproved land. The subdivider shall provide satisfactory evidence of the fair market value which may be a current appraisal from a certified general appraiser dated no more than six months prior to final plat application submittal to set the baseline value of the parkland dedication. Any appraisal fees shall be paid by the subdivider.
- vi. Governing Body Use of Monetary Donation – The governing body may use dedicated money to acquire, develop, or maintain parks or recreational areas or for purchasing open space and conservation easements only if the governing body has:
 - Adopted a park plan that establishes the needs and procedures for use of the money; and

- The land dedicated for parks or recreation facilities are within a reasonably close proximity to the subdivision.
- The governing body may not use more than 50% of the dedicated money for park maintenance.
- vii. Dedication to School District – Subject to the approval of the governing body and acceptance by school district trustees, a subdivider may dedicate a parkland donation to a school district, adequate to be used for school facilities or buildings.
- viii. Waivers for Dedication by Governing Body – The governing body shall waive the parkland dedication requirement if it determines that:
 - The preliminary plat provides for a planned unit development or other development that permanently sets aside land for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required per Ch. VII-E(7)(c)(i) above, “Dedication of Parkland or Cash Donation;”
 - Protection of Lands for Other Purposes – The preliminary plat will provide for the long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and the land area set aside for this purpose is equal to or exceeds the area that would have had to be dedicated per Ch. VII-E(7)(c)(i) above, “Dedication of Parkland or Cash Donation;”
 - Combination of Parklands and Other Land Protection – The land is proposed to be dedicated to a combination of park, recreation, or other uses and is equal to or exceeds the area required Ch. VII-E(7)(c)(i) above, “Dedication of Parkland or Cash Donation;” or
 - Parkland Outside of the Subdivision – The subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and the area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required per Ch. VII-E(7)(c)(i) above, “Dedication of Parkland or Cash Donation.”
- ix. Optional Waiver – The governing body may approve lands that are within or outside of the subdivision for other uses as described in Ch. VII-E(7)(c)(vii), “Dedication to School District,” when the land to be set aside equals or exceeds the dedication required per Ch. VII-E(7)(c)(i) above, “Dedication of Parkland or Cash Donation.”
- x. Maintenance Plan Required for Lands Dedicated Per This Section and Not Accepted by the Governing Body – A parkland maintenance declaration is required for any parkland or other area meeting the requirements of this section but which is not dedicated to and accepted by the governing body.
- xi. Ownership of Land Not Accepted by the Governing Body – The final plat or supplemental materials to be filed with the final plat shall identify ownership of the lands meeting the parkland dedication requirements. If lands are to be dedicated to a property owners association or other entity, the transfer document shall be filed with the final plat.

d) Applicable Plans

Applicable plans include the growth policy and parks and recreation plans adopted by the governing body.

8. Fire Protection and Water Supplies for Fire Suppression

a) Purpose

All subdivisions must be planned, designed, constructed, and maintained so as to minimize the risk of fire and to permit the effective and efficient suppression of fires to protect persons and property.

b) Applicability

This section applies to all subdivision except for the following:

- i. Subdivisions that create one additional lot containing an existing dwelling unit; and
- ii. Minor subdivisions that are within a 15-minute response time from an existing fire station, with written approval from the Fire Department Authority Having Jurisdiction (AHJ) for the area indicating existing fire trucks and water tenders have capacity to suppress fire within the subdivision. Subdivisions receiving this approval shall nonetheless comply with requirements for fuel breaks in wildland-urban interface (WUI) areas, as described below.

c) Standards – General to All Subdivisions

- i. Compliance with Adopted Fire Code - Subdivisions shall comply with applicable provisions of any fire code adopted by the governing body.
- ii. Fire Suppression Water System Required – The system shall be built to standards of a fire suppression plan that is approved by the AHJ and the governing body.
 - Fire Suppression Plan for Private Systems – The plan shall be developed and certified by a licensed engineer to meet the requirements of this section and address at a minimum the following:
 - Needed water quantity and fire flow (as per the standards in Ch. VII-E(8)(c)(iv) below);
 - The type of water system such as a pressurized or non-pressurized system, water supply source including water volume and pressure, hydrants, access, source of electrical power, and other relevant factors;
 - Specifications and dimensions including types of materials, capacity, connections, colors, and fittings;
 - The location of the system and necessary easements (must also be shown on the plat);
 - Inspection and Maintenance Plan including testing schedule, who will conduct and pay for the tests, how the system will be maintained in an operative condition at all times, and how and where records will be kept. Requirements include:
 - Hydrants inspected at least annually and maintained as necessary to keep them in good operating condition;

- Surveys conducted at least annually to reveal any deterioration in water supply and availability;
 - Trimming of grass, brush, and other vegetation with a minimum three-foot radius around hydrants;
 - Maintaining reflective materials at the water system to ensure visibility; and
 - Protecting risers and other fixtures from deterioration.
 - Fire Suppression Plan for Public Systems to Be Built and Owned by Existing System Operator/Owner – Plans for fire suppression systems that will be owned and operated by a system owner such as a municipality or public water district do not require a fire suppression plan as described above but must meet the requirements of the owner/operator.
 - Maintenance Declaration for Private Systems – A fire system maintenance declaration incorporating the provisions of the fire suppression (including the inspection and maintenance provisions) approved by the AJH and governing body shall be filed with the final plat.
- iii. Alternative Systems – Requirements for a fire suppression water system may be waived if an alternative system for residential and/or commercial sprinkler systems meets all of the following circumstances and conditions:
- The system is voluntarily proposed by the subdivider and the system and water supplies are fully described in the proposal;
 - The subdivision is within an area with building codes or fire codes that require inspection and approval of the system prior to occupancy;
 - The entity administering and enforcing the building codes approves the alternate system and water supply; and
 - The subdivider provides an estimate of lot owner cost and notice of the requirements for lot owners to obtain permits and install sprinkler systems on the face of the plat, covenants, and purchase agreements.
- iv. Determination of Water Quantity and Flow
- The following subsections identify the methodology for calculating water quantity and flow necessary for fighting fires in various locations. The calculations shall be based on the proposed number of potential single-family, multi-family, commercial and industrial buildings to be served.
 - Subdivisions in Municipalities with Urban Density – The subdivider shall have a licensed engineer submit calculations for water volume and fire flow using the methodology and requirements of the International Fire Code Appendix B, “Fire-Flow Requirements for Buildings.” These requirements specify a minimum of 1,000 gallons per minute (gpm) for one hour for one- and two-family dwellings have a fire flow calculation area that does not exceed 3,600 square feet. Standards for other residential and commercial structures with varying square footage and construction types are also located in Appendix B.

- Subdivisions Outside of Municipalities with Suburban and Rural Densities – The subdivider shall have a licensed engineer submit calculations for water volume and fire flow based on the requirements of Chapter 4 and Annex H of the National Fire Protection Association (NFPA) 1142, “Standards for Water Supplies for Suburban and Rural Fire-Fighting.”
 - Subdivisions in the Wildland-Urban Interface (WUI) – In WUI areas outside of a municipality, the water system shall be capable of being supplied onsite at a minimum of 1,000 gpm for a minimum of 30 minutes, as recommended in the DNRC Guidelines for Development within the Wildland-Urban Interface.
- v. Water Supply and Delivery Systems
- Year-Round Capacity – All water supply sources shall maintain at least the minimum capacity and delivery requirements on a year-round basis, including surface water sources.
 - Year-Round Access – Water supply sites shall have year-round emergency vehicle access from a road constructed in accordance with these regulations and maintained to permit continuous access.
 - Signage – Onsite signage and reflective materials approved by the AHJ shall be used at all hydrants and fill sites.
 - Pressurized Systems with Hydrants
 - IFC Requirements – Water supply and hydrants shall meet the requirements of IFC Section 507, “Fire Protection Water Supplies.”
 - System Owner Requirements – If the system is to be acquired by an existing system owner such as a municipality or water district, it shall be approved by and meet the specifications of the system owner. In accordance with the policies of the owner, the subdivision water system may be required to be dedicated to and accepted by the owner prior to final plat filing.
 - Non-pressurized Systems
 - NFPA Requirements – the system shall meet the design and location criteria of NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting Chapter 8, “Dry Hydrants.”
- vi. Inspection, Review, and Approval
- Construction Timing – No construction or installation of systems shall occur until after the AHJ and governing body have approved the fire suppression plan.
 - Installation Prior to Final Plat Application – the water system shall be completely installed, inspected, tested, and approved by the AHJ prior to final plat application.
 - Water Supply Test – As required by IFC Section 407.4, the AHJ and administrator shall be notified prior to the water supply test. The test shall be witnessed by the AHJ or approved documentation of the test shall be certified by a licensed engineer. The test results and certification shall be provided to the AHJ and administrator.

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- vii. Easements – Easements shall be required for all fire facilities in the subdivision, including water supply sources.
 - viii. RSID/SID Waiver – If no community or municipal water system with 1,000 gallons per minute minimum fire flow is provided, a RSID/SID waiver statement shall be required stating that at such time a community or municipal water system is available, the property owners shall be required to participate in the RSID/RID. This waiver shall comply with the requirements of Ch. VII-5(c), “Waiver of Right to Protest Improvement District.”
 - ix. Access by Fire Suppression Equipment – The subdivider shall provide notice to lot purchasers of their responsibility for buildings to be constructed so that fire trucks will have access to within 150 feet of all portions of buildings. Notice shall be provided in accordance with the requirements of Ch. VII-A(10) and shall be filed with the final plat.
- d) Additional Standards for the WUI – Subdivisions in the WUI shall also comply with the following design standards, in addition to the standards provided in Ch. VII-E(8)(c) above:
- i. Back-up Power Supply for System – Water supply facilities dependent on electrical power shall provide a standby power system to ensure that an uninterrupted water supply can be provided, unless primary power is underground.
 - ii. Defensible Space – Defensible space of not less than 30 feet shall be provided and maintained around water tank structures, water supply pumps and pump houses. Portions of trees and other combustible vegetation within 30 feet of the facilities shall be removed.
- e) Other Permits/Approvals – The subdivider shall obtain applicable building permits for systems to be installed by the subdivider.
- f) Applicable Plans
Applicable plans include the growth policy and community wildfire protection plan.

VII-F Transportation

This section is designed to:

- Ensure the design of streets, roads, pedestrian pathways and bikeways conform to the recommendations of the growth policy;
- Provide for the safety of both motorized and non-motorized traffic;
- Provide for livable residential and retail commercial environments;
- Provide economy of land use, construction, and maintenance, and
- Provide safe and efficient access to property.

This section promotes narrower street widths and greater connectivity. The intent is to more efficiently disperse traffic, protect pedestrians from high vehicular speeds, reduce stormwater runoff, protect water quality, and provide cost savings for developers and home buyers.

1. Roads – Functional Classification

Roads and streets are categorized hierarchically by function and capacity. Capacity is often expressed as Average Daily Traffic (ADT) or Average Annual Daily Traffic (AADT). The major road classes in the United States are freeways, arterials, collectors, and local roads. For purposes of these subdivision regulations, the classification system below shall apply.

2. Design Components by Functional Classification

Roads within the subdivision shall conform to the standards as more fully described in the following sections.

a) Functional Classifications

- i. 2-Lot Road – This type of road is allowed for up to two residential lots with no direct access from an existing road, subject to the following:
 - 2-Lot Roads are allowed in a zoning district that limits development to one dwelling unit per lot. In areas without such zoning, road access to two residential lots is subject to Residential Lane classification (below). Subdividers who voluntarily place a restriction of one dwelling unit per lot on the face of the plat, buy/sell agreements, covenants, and deeds shall qualify for 2-Lot Roads.
- ii. Alleys – Alleys provide access to the side or rear of individual land parcels. They may be required in urban areas to continue existing development patterns, when a water or sewer authority desires separation between infrastructure, or when a public service entity or agency desires access to the rear of the lot.
- iii. Residential Lanes – This road type is allowed for residential subdivisions of five or fewer lots, subject to the following:
 - The subdivision is in a zoning district with regulations that limit the subdivision area to not more than two dwelling units per lot. In areas without such limitations, subdividers who voluntarily place a limit of two dwelling units per lot on the plat, buy/sell agreements, covenants, and deeds shall qualify for Residential Lane roads.
 - If the criteria for Residential Lane roads are not met, the road access will be subject to local road standards.
- iv. Local Roads – This type of road is intended to primarily serve residential development. Commercial and industrial subdivisions with projected traffic volume of less than or equal to 400 ADT shall design to the Subcollector standard, except as noted below.
- v. Subcollectors – This road type is not intended for direct access to residential lots, but may provide access for commercial, public facilities, and other uses.
- vi. Collectors – This road type is not intended for direct access to residential lots, but may provide access for commercial, public facilities, and other uses.

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- vii. Arterials – This road type is the highest road classification discussed in these regulations, carrying the most vehicles at the highest speeds. Few subdivisions will include internal arterials except as extensions of existing facilities across the subdivision. Existing roads leading to a subdivision may require upgrades to this classification.
- b) Number of Residential Lots
- i. 2-Lot Roads - Limited of one dwelling unit per lot either via zoning regulations or voluntary restrictions by the subdivider.
 - ii. Residential Lanes – Limited to no more than five lots with no more than two dwelling units per lot either via zoning regulations or voluntary restrictions by subdivider.
 - iii. Local Roads, Subcollectors, Collector and Arterial. These roads have standards reflective of ADT rather than number of lots.
- c) Average Daily Traffic
- i. Average daily traffic (ADT) is the daily volume of vehicular traffic averaged over the course of a year. The ADT is the maximum standard for the road based on traffic type.
 - ii. For roads other than 2-Lot Roads, Alleys, and Residential Lanes, the following shall apply:
 - ADT shall be calculated on the use with the highest level of road impact allowed within the zoning district. If the subdivision is not within a zoning district that sets allowable uses, ADT shall be calculated on the most impactful range of use common in the area or projected to occur, based on discussion with the administrator.
 - Subdividers who voluntarily restrict use to a specific type or types through zoning or other means may base ADT and subsequent road design on that basis, provided the restriction is revocable only with consent of the governing body and is included on the plat, buy/sell agreements, covenants and in deeds.
 - iii. Roads that can reasonably be expected to serve additional ADT in the future may, at the discretion of the governing body, be required to be designed to meet the functional classification of the additional ADT. Further, the governing body may require the subdivider to build the road to the anticipated future standard. For such improvements the subdivider shall only be required to pay the amount equal to the requirements of the subdivision. Refer to Ch. VII-F(5)(e) below for how to calculate the subdivider's share.
 - iv. that can reasonably be expected to serve additional ADT in the future may, at the discretion of the governing body, be required to be designed to meet the functional classification of the additional ADT. Further, the governing body may require the

subdivider to build the road to the anticipated future standard. For such improvements the subdivider shall only be required to pay the amount equal to the requirements of the subdivision. Refer to Ch. VII-F(5)(e) below for how to calculate the subdivider's share.

d) Design Speed

- i. This is the intended maximum driving speed in miles per hour. The road shall be designed to facilitate this speed and not higher speeds.
- ii. Arterials – Design speed for arterials depend on a variety of factors including projected ADT, existing and proposed traffic control devices, frequency of stop signs and stop lights. In no case shall an arterial, other than a state or federal highway, have speed limit greater than the highest speed limit for the local jurisdiction's roads.

e) Road Right-of-Way and Easement Width

- i. Road right-of-way includes the minimum right-of-way widths that would be dedicated and deeded to a local government (typically a municipality) and easement widths, which conveys rights but do not transfer ownership (more typical of unincorporated areas).
- ii. The dimensions are in feet and are the minimum starting point for determining final width of the right-of-way or easement. Final width depends on the number of travel lanes and parking lanes as well as the size of storm drainage areas, pedestrian facilities, snow removal needs, utilities, and topography.

f) Travel Lanes

This refers to the minimum number of travel lanes required. The road shall be designed to include any turn lanes that may be required to ensure road safety.

g) Parking Lanes

- i. This refers to the minimum number of on-street parking lanes.
- ii. Parking lanes are not allowed for alleys in residential areas.
- iii. "As Needed" is determined as follows:
 - Within municipalities and growth areas, parking lanes shall be included if they are required in locally adopted road standards.
 - When a subdivision road is a continuation of an existing road, the subdivision road shall at a minimum provide right-of-way or easement area for parking lanes similar to those on the adjoining existing road.
 - Subdividers shall identify proposed use of lots and determine the number of parking spaces required as Ch. VII-F(4)(d) below. The subdivider shall identify location of the required parking spaces as either off-street, on-street, or a combination of both. If off-street parking is proposed, the subdivider shall follow requirements of Ch. VII-F(4)(d).
 - Parking lanes shall be a minimum of 8 feet wide and 24 feet long.

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- On-street parking is not permitted on arterial roadways.

h) Travel Surface Width

This is the minimum width in feet allowed for the road surface. It is also the maximum width desired for residential areas under normal conditions. The travel surface is the total width of the travel lanes and does not include parking lanes, shoulders, or curb and gutter.

i) Travel Surface Type

- i. “Context-Dependent or Gravel” – This applies to 2-Lot Roads and Residential Lanes.
 - At a minimum the road shall be gravel surfaced. If the road providing access to the subdivision is a higher standard, the adjoining subdivision road surface shall be built to the higher standard.
 - Exception for rural 2-Lot Roads and Residential Lanes in low density areas outside of municipalities, growth areas, and rural communities. In low density rural areas, 2-Lot Roads and Residential Lanes may be gravel even if they adjoin a paved road, but shall be required to pave the first 50 feet to prevent gravel from degrading the pavement on the existing road.
- ii. “Context Dependent or Paved” – This applies to local roads. The requirement is for these to be paved, but in areas where similar properties are unpaved, the road shall be built to a gravel road standard at a minimum.
- iii. “Paved” – This applies to Subcollectors, Collectors, and Arterials.

Roads that are required to be paved either as Subcollectors, Collectors, or Arterials, or by “context” for lower classification roads, shall be built to the following standards or to the paved standard of the adjoining road, whichever is the higher standard.

 - Roads not requiring curb and gutter must at a minimum be chip-sealed.
 - Roads requiring curb and gutter must at a minimum be asphalt.
- iv. Refer to the “Road Construction Specifications” section for detailed standards for gravel and paved roads.
- v. If the road providing access to the subdivision does not meet the standards for its functional classification, refer to Ch. VII-F regarding substandard roads leading to a subdivision.

j) Shoulder Width

Shoulder width, expressed in feet, is the minimum shoulder width and applies to:

- i. Gravel roads and paved roads without curb and gutter.
- ii. Roads with paved road, curb, and gutter – The shoulder width shall be added to the width of the travel surface and included in the total curb-to-curb width. Roads with curb and gutter must have a minimum width of 20 feet for fire protection access.

k) Shoulder Surface

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The shoulder surface is context-dependent and varies with the type of road surface and the storm drainage system as follows:

- i. Paved roads with curb and gutter shall have paved shoulders.
- ii. Paved roads without curb and gutter:
 - Paved shoulder is required in municipalities and growth areas if required by local road standards, or if adjoining roads have paved shoulders.
 - Graveled shoulder for all other paved roads without curb and gutter.
- iii. Gravel roads shall have gravel shoulders.

l) Road Pull-Outs for Fire Department Equipment

Where the road travel surface is 20 feet or less in width and where curves, hills, or vegetation may obstruct views of oncoming traffic, there shall be areas for fire department equipment to pull to the side of the road. Pull-out areas must provide space for a vehicle to safely move out of a traffic lane in order to permit the passage of emergency or other types of vehicles. At a minimum, a pull-out shall be a total width of 20 feet, including road travel surface, shoulders, and adjoining unobstructed area that allows a driver to stop safely. The requirement and location of pull-outs shall be determined by the local fire department.

m) Vertical clearance

The minimum vertical clearance above the travel surface is 13.5 feet. This is the minimum clearance for any obstruction including bridges or overpasses, tree limbs, or overhanging rock features. For arterial roads, the vertical clearance shall follow American Association of State Highway Transportation Officials (AASHTO) standards for the design speed.

n) Unobstructed Width

This is the minimum unobstructed width in feet for any obstruction including tree limbs that extend over the roadway.

o) Corner Radius

- i. Corner radius, also described as curb radius, measures the sharpness of a corner at an intersection. A large curb radius increases the distance a pedestrian must travel to cross the road. The measurement is expressed in feet.
- ii. Generally, where a lower classification road intersects with a higher classification road, the higher classification requirement applies.
- iii. In industrial subdivisions, the corner radius shall be designed to meet the needs of projected vehicle types such as large semi-trucks and trailers.

p) Centerline Radius

- i. A horizontal curve in a road can be a slow, smooth curve or a sharp, angular curve. The sharpness of a curve is defined by its centerline radius, expressed in feet. For example, a long, gradual curve may have a radius of 5,000 feet while the curve at a driveway entrance may have a much shorter radius, such as 15 feet.

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- ii. The first criterion is that all curves shall have the capacity to carry the largest current or anticipated fire truck in the district serving the subdivision. If none is specified by the AHJ, the minimum weight capacity shall be 75,000 pounds as identified in the International Fire Code.
- iii. For arterial roads, the centerline radius shall follow AASHTO standards for the design speed.

q) Minimum Stopping Sight Distance

- i. The stopping sight distance is the distance a vehicle travels from the instant a driver sights an object to the point at which a braking vehicle stops. Stopping sight distance is the sum of two distances: (1) the distance traversed by the vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied; and (2) the distance needed to stop the vehicle from the instant brake application begins. These are referred to as brake reaction distance and braking distance, respectively. The faster the speed of the vehicle, the longer the distance is needed to stop.
- ii. The stopping sight distance on a roadway shall be sufficiently long to enable a vehicle traveling at the design speed to stop before reaching a stationary object in its path.
- iii. Sight distance varies on level ground or on hills (vertical curves). Stopping sight distance also varies with conditions such as night driving conditions, rain, snow, and ice. The sight distance determination shall be based on AASHTO standards and methodology for finished road contours.
- iv. For arterial roads, the sight distance shall follow AASHTO standards for the design speed.

r) Minimum Intersection Sight Distance

- i. The operator of a vehicle approaching an intersection shall have an unobstructed view of the entire intersection and an adequate view of the intersecting roadway to permit control of the vehicle to avoid a collision.
- ii. For arterial roads, the intersection sight distance shall follow AASHTO standards for the design speed and intersection configurations.

s) Maximum Grade

Maximum grade is the maximum slope of a road expressed in percent. No grade shall be less than 0.5 percent. The minimum cross-slope of a road shall be two percent and the maximum shall be four percent.

t) Block Length

- i. Block length is the maximum permitted length of blocks in feet. Where expressed as a range, such as 300-600 feet, the shorter block length of 300 feet applies to higher density development (at least six dwelling units per acre). The longer block length of 600 feet applies to low density development (three to six dwelling units per acre). Where expressed as "NA," block length does not apply – as in 2-Lot Roads,

Residential Lanes serving five or fewer lots (total 10 dwelling units) or local roads serving low density development (1-2 dwelling units per acre).

- ii. Commercial and Industrial Blocks – Commercial blocks shall not exceed 600 feet on any road types other than arterial unless the subdivider provides evidence the proposed block length is in context with adjoining or surrounding block lengths. Industrial blocks shall be designed to fit the context of the area and to support the intended future uses although it is recommended block lengths not exceed on quarter mile.
 - iii. Arterials – Block length does not apply to arterials as classified in these regulations, although it is recommended block lengths on developed arterials not exceed on quarter mile.
- u) Roadside Storm Drainage
- i. Drainage along roadsides is typically comprised of curbs and gutters, swales, or a combination of both. The drainage along roadways shall conform to local context. The word context means that the roadside drainage system shall match the system of adjoining roads or include a swale as described in this section, whichever is the higher standard.
 - ii. All storm water drainage shall meet the requirements of Ch. VII-E(4)(d), “Stormwater Drainage Standards.”
 - iii. Curb and Gutter – If curb and gutter is required, it shall conform to the curb and gutter requirements of the local jurisdiction or to the standard of the adjoining road, whichever standard is higher. The curb and gutter shall align with the curb and gutter system of the adjoining road.
 - iv. Drainage Swales
 - Final determination of drainage swale width, depth, and retention capacity for lots less than 20 acres shall be made by Montana DEQ. For lots larger than 20 acres, swales shall meet local health department standards or DEQ standards if the local health department does not have written standards.
 - Slopes of roadside swales shall not exceed a slope of 4:1 and shall be well rounded.
 - Swales shall be designed and built to ensure flow.
 - Stormwater drainage swales shall not function as irrigation ditches.
 - Swales on sustained grades can result in erosion to the swale as well as the cut-to-fill transition. When sustained grades are present the designer shall provide the following features:
 - Cross drains and swale blocks to allow runoff to outfall into a natural drainage.

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- If no viable outfall exists within a reasonable interval, check structures shall be used to reduce flow velocities and corresponding erosion potential.
- v. High density developments (more than six units per acre) and commercial or industrial developments may be required to extend a storm drain if one is located within 500 feet of an existing storm drain facility when the storm drain owner indicates available capacity and willingness to accept the runoff.
- v) Pedestrian Facilities Along Roads
 - i. Pedestrian facilities along roads include sidewalks and paths. Construction by the subdivider is based on a variety of factors, described below in Ch. VII-F(2)(v)(iv). “Context” means that an easement and possibly construction may be required as follows.
 - ii. No pedestrian facility or easement is required for:
 - 2-Lot Roads;
 - Low density Residential Lanes with no potential for future pedestrian connectivity. Examples of no future pedestrian connectivity include roads terminating at a natural barrier such as a rock face.
 - Local roads with a maximum future density of two dwelling units per acre, serving less than 10 lots, and no potential for pedestrian connectivity.
 - Other roads that have no potential for future pedestrian connectivity; or
 - Internal roads serving industrial subdivisions.
 - iii. Easements for pedestrian facilities are required for all other roads with potential for pedestrian connectivity.
 - iv. The subdivider shall construct pedestrian facilities for roads requiring pedestrian easements (per [iii] above) when:
 - Adjoining properties have pedestrian facilities;
 - Local zoning or municipal street design standards require sidewalks or pathways;
 - Commercial lots are proposed;
 - There is a need for safe access to schools, playgrounds, shopping, adjoining neighborhoods, transportation and other community facilities, or for the continuation of existing, planned, or reasonably anticipated routes;
 - When the area of the subdivision is included in an adopted pedestrian or non-motorized plan that calls for pedestrian facilities; or
 - The subdivision is within one-quarter mile of an existing developed pathway.
 - v. Refer to Ch. VII-F(4)(f) below for additional construction requirements for pedestrian facilities.

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- vi. Pedestrian facilities shall be separated from roadways as follows:
 - Gravel roads and paved roads with no curb and gutter - The storm drainage swale and/or utility corridor shall separate pedestrian facilities from the roadway edge. At a minimum separation shall be no less than three feet.
 - Paved roads with curb and gutter – Separation shall be a minimum distance of three feet on local roads, five feet on Subcollectors, Collectors, and Arterials.
- vii. Refer to Ch. VII-F(5)(b) below for information on width of easements for pedestrian facilities.

w) Bike Lanes

- i. Bike lanes along roads may include individual bike lanes reserved for bicyclists, combined with pedestrian paths, or striped as part of the road system. Subdivisions are subject to bike lanes “As Required”.
- ii. Easements for bike lanes shall be required for:
 - Local roads in accordance with an adopted non-motorized transportation plan or bike plan (if such exists); and
 - For Subcollectors, Collectors, and Arterials (in all cases unless precluded by an adopted non-motorized plan or bike plan).
- iii. Bike lanes shall be constructed for:
 - Subcollectors, Collectors, and Arterials; and
 - Local Roads when adjoining properties have bike lanes, when local zoning or municipal street design standards require bike lanes, or when the area is included in an adopted plan and the subdivision is within ¼ mile of existing bike lanes.
- iv. Bike lanes shall connect to and align with an adopted bike lane plan (if such exists) and bike lanes on abutting property.
- v. Bike paths not located on the road travel surface shall be separated from the roadway as for pedestrian facilities (See Ch. VII-F(2)(v)(6) above.)
- vi. Refer to Ch. VII-F(4)(f) for additional construction requirements for bicycle facilities.
- vii. Refer to Ch. VII-F(5)(b) for information on width of easements for bicycle paths.

x) Street Lighting

- i. Subdivisions are subject to street lighting “As Needed,” as described below. “NA” means that street lighting is not required.
- ii. “As Needed” Street lighting is required for:

- Subdivisions where pedestrian facilities are to be constructed. At a minimum lighting shall be provided at intersections. Light fixture placement and spacing shall be in accordance with the jurisdiction's adopted lighting policy, if any.
 - Subdivisions in jurisdictions with applicable street-lighting requirements adopted by the governing body.
- iii. Street lighting is not required for 2-Lot Roads unless required by other ordinance adopted by the governing body.
- iv. Street lighting shall focus downward, avoid light trespass and glare.

3. Connectivity and Access

a) Connectivity

A well-connected road network spreads traffic efficiently, provides greater opportunities for access by service and emergency vehicles, and furthers pedestrian mobility by increasing the number of destinations that can be reached by walking or biking.

i. General Standards for Connectivity

A proposed development shall provide multiple direct connections in its local road system to and between local destinations such as parks, schools, and shopping, without requiring the use of Collectors or Arterials.

ii. External Connections

• Road Connections

- Road Stubs and Temporary Turnarounds. To ensure future road connections where a proposed subdivision abuts unplatted land or a future development phase of the same subdivision, temporary turnarounds (road stubs) shall be provided to provide access to abutting properties to logically extend the road system into the surrounding area. All road stubs shall be provided with temporary turn-arounds or cul-de-sacs and the restoration and extension of the road shall be the responsibility of any future developer of the abutting land. Easements or right of way shall be put in place as part of the final plat to assure future connections.
- Roads within and contiguous to the subdivision shall be coordinated with other existing or planned roads within the general area as to location, widths, grades, and drainage.
- No new half-street rights-of-way are allowed. Where the proposed subdivision abuts an existing half-street, the other half of the street shall be platted.
- This section is not intended to require roads to project into floodplains, bluffs, or other natural features or existing development that has no accommodations for connection.

• Non-motorized Connections

Where the local jurisdiction has adopted a non-motorized plan, pedestrian plan, and/or bike plan that identifies planned trails through a subdivision, separate from those along a roadway, the subdivider is encouraged to establish an easement for the trail(s). Refer to Ch. VII-E(7) for a discussion of how a trails easement may qualify as parkland dedication.

iii. Internal Connections

• Roads Ending in Permanent Turnaround

○ Applicability

- Subcollectors, Collectors, and Arterials shall not end in permanent turnarounds. By definition of their functional classification, they are intended to route traffic from roads of lower classification.
- 2-Lot Roads are allowed to end in permanent turnarounds.
- All other internal subdivision roads designed to permanently end in turnarounds are prohibited except where it can be clearly demonstrated by the subdivider that no other options are available due to slopes in excess of 20%, other topographic and environmental considerations such as rivers, lakes, etc., or where parcel configuration does not provide any alternative.

○ The maximum length of a road ending in a permanent turnaround is as follows:

- Not to exceed the length of blocks in Ch. VII-F(2)(t) above except where it can be clearly demonstrated by the subdivider that no other options are available due to slopes in excess of 20%, other topographic and environmental considerations such as rivers, lakes, etc., or where parcel configuration does not provide any alternative
- 600 feet in areas of extreme fire hazard, with areas of “extreme fire hazard” as shown in an adopted plan or where no such plan exists, as determined by the local fire AHJ.
- 1,000 feet for all other settings in the WUI.
- Outside of areas designated as WUI by the local jurisdiction, roads longer than 1,000 feet may be allowed if approved by the local fire AHJ to have necessary pull-outs as described in Ch. VII-F(2)(l), “Road Pull-Outs for Fire Department Equipment” and areas sufficient for fire department trucks to safely turn around in the roadway. The fire department shall approve locations of pull-outs and turn-around areas in the roadway. Length of a road terminating in a turnaround shall be measured from the point at which the road with turnaround intersects a road with two points of access onto a higher classification road.

○ Design for Permanent Turnarounds

- Dimensions are for travel surface only and do not include additional right-of-way needed for snow storage or storm drainage.
- Alternate designs may be approved if designed and built in accordance with the most current edition of A Policy on Geometric Design of Highways and Streets by the American Association of State Highway Transportation Officials (AASHTO) and when approved by the local fire protection authority.
- Provisions for Non-Motorized Connectivity – Roads ending in permanent turnarounds shall provide for pedestrian and bicycle connections by extending an easement for pedestrian access to the nearest road within or adjacent to the subdivision.

b) Design and Configuration of Road Access

i. Primary Access Requirements - Generally

A primary access is a main entry into and out of the subdivision. In an unincorporated area, the access for all subdivisions with six or more lots shall be from a highway or county road or from a road with a functional classification of Subcollector or higher. In subdivisions providing for more than 30 dwelling units, the primary access shall be from a highway or county road or from a road with a functional classification of Collector or higher.

ii. Multiple Accesses Required for Subdivisions

- Applicable to Subdivisions Within or Outside of the Wildland Urban Interface
 - Subdivisions of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with a minimum of two separate accesses.
 - Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with a minimum of two separate access roads. Projects having up to 200 dwelling units may have a single approved access meeting the standards of these regulations only if the subdivider requires all buildings, including nonresidential occupancies, to be equipped with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 of the International Fire Code.
 - Commercial or industrial subdivisions with potential gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads. Projects having a gross building area of up to 124,000 square feet may have a single approved fire apparatus access road when the subdivider voluntarily requires all buildings or otherwise ensures they will be equipped with approved automatic sprinkler systems.
- Within the Wildland Urban Interface

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- All lots in subdivisions shall be provided with a minimum of two primary accesses.
- Subdivisions that would be allowed one primary accesses outside of the Wildand Urban Interface, may be allowed one primary access in the WUI if approved by the fire AJH to contain adequate pull-outs and turn-around areas within the roadway as described in Ch. VII-F(2)(l) “Road Pull-Outs for Fire Department Equipment.”
- Location of Multiple Primary Access Roads

Primary access points shall be located as remotely from each other as possible to assure more than one escape route for residents and access routes by emergency vehicles.

iii. Emergency Access Roads

- The subdivider may include emergency access roads for vehicular passage in emergency situations only. An emergency access road shall not qualify as a primary access road for purposes of Ch. VII-F(1) and (2) above.
- Emergency access ways must not be open to general vehicular travel and must be provided with removable bollards, gates, or other means approved by the AJH to restrict general vehicular access. Emergency access ways may serve as pedestrian and bicycle pathways.
- Emergency access routes shall be identified on the plat with notice of use restrictions. Emergency access routes that do not meet the minimum design and construction standards of a Local Road shall also include on the plat notice that the emergency access route may not be designed to accommodate fire equipment.

iv. Gates

No subdivision shall be designed in such a way that prevents or inhibits public access by a gate or other method of obstruction on any road within or accessing the subdivisions. Gated subdivisions shall not be allowed.

4. Other Design and Construction Standards

a) Intersections and Approaches

i. Design Standards

- No more than two roads shall intersect at one point.
- Roads shall intersect at right (90 degree) angles +/- 10 degrees.
- Two roads meeting a third shall be offset by the sight distance at the intersection as described in Ch. VII-V(2)(r), “Minimum Intersection Sight Distance.”
- 2-Lot Roads and Residential Lanes shall not intersect with Arterials.

- Intersections located less than the stopping sight distance from a hilltop are not allowed. Refer to Ch. VII-F(2)(q), “Minimum Stopping Sight Distance” for the minimum distances for intersections in proximity to hilltops.
- The grade of an approach shall not exceed five percent within 20 feet of an intersection (unless state-owned, in which case state standards prevail).
- The governing body may require cattle guards to be placed where a subdivision road meets a public or private road.

ii. Approach permits

The subdivider shall obtain approach or encroachment permits for subdivision roads to access to public roads and state highways prior to road construction. For subdivisions with direct driveway access onto a state or local jurisdiction road, the subdivider shall provide written verification from Montana Department of Transportation or the local jurisdiction that a specific driveway approach has been approved or that the lot has suitable location for an approvable driveway approach in the future.

b) Road Names and Signage

i. Names

Names of new roads shall not duplicate names of existing roads unless the new road continues or aligns with an existing road. All new road names shall be made in accordance with a locally adopted emergency dispatch policy (e.g., E-911 policy). Where there is no adopted policy or where it provides insufficient guidance regarding road names, the person responsible for addressing within the jurisdiction shall approve new road names.

ii. Road Name Signs

Road name signs shall be installed at all intersections within and abutting the subdivision. Such signs shall be manufactured and installed by the subdivider in accordance with locally adopted policies. Where there is no adopted policy or where it provides insufficient guidance regarding road name signage, signs shall be in accordance with the Federal Highway Administration Manual on Uniform Traffic Control Devices.

c) Warning and Regulatory Traffic Signs

i. General

- Regulatory and warning traffic signs and plaques shall be based on the traffic impact study, road contours and other features, as well as information indicating likely safety issues in particular locations.
- Regulatory and warning signage includes but is not limited to stop signs, yield signs, and signs for speed limits, one-way roads, dead-ends, sharp turns, railroad crossings, pedestrian crossings, etc. It also includes reflective markers for bridges or other objects (e.g., railings). As necessary, signage also includes traffic lights.

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- Signage shall be in accordance with the local jurisdiction's adopted policy. Where there is no adopted policy or where it provides insufficient guidance regarding warning and regulatory traffic signs, signage shall be in accordance with the FHWA Manual on Uniform Traffic Control Devices
- ii. Signage – Minimum Standards
 - Signage shall be in accordance with the FHWA Manual on Uniform Traffic Control Devices unless the jurisdiction's locally adopted policies has more stringent or specific requirements.
 - The signs shall be manufactured and installed by the subdivider.
 - Load limits should be posted on all bridges.
 - Roads with no parking lanes may be required to post "no parking - fire lane" signs. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background.
- d) Off-Street Parking: (note: Zoning ordinances must be met if present.)
 - i. Number of Parking Spaces
 - Single family detached units with adequate provision in the lot space for a driveway and garage shall not be required to provide additional parking.
 - For all other proposed development, if no on-street parking is to be provided, off-street parking spaces shall be required. The number of spaces shall be based on the most current edition of Parking Generation by the Institute of Transportation Engineers. Shared parking may be allowed where proposed land uses have peak parking demands at different times of the day.
 - Where off-street parking is proposed, the subdivider shall identify on a site plan the location of parking spaces, dimensions, ADA parking locations, and provisions for landscaping if required
 - ii. Dimensions

Off-street parking spaces shall have a width of 9 feet.
 - iii. ADA Parking

Parking spaces must be provided for the physically handicapped according to the Americans with Disabilities Act including the number, size, location and labeling requirements.
 - iv. Circulation
 - Circulation systems in parking areas shall provide for continuous traffic flow with efficient, non-conflicting movement throughout the site and accommodation for emergency vehicle access. Conflicts between areas of significant pedestrian movement and vehicular circulation shall be minimized.
 - Parking areas with more than three spaces shall be designed so that vehicles can enter and exit without backing onto the access road.

v. Location

- Parking lots shall be separated from sidewalks, walking and/or bike paths either by a minimum of three feet of landscaping, or with a physical buffer, such as fence.
- Residential parking lots shall be located in the rear of the parcel.

vi. Construction

The lot developer who constructs the buildings on the lots shall be responsible for the parking construction. The requirements of this section shall be included in covenants for the property.

- Parking shall be installed per the approved site plan for the lot.
- Off-street parking facilities with more than 10 spaces shall have a paved surface, marked for stalls and for ADA sites. Industrial facilities are exempted from the requirements for paving.
- Parking areas shall be graded to drain surface water.
- Parking lots shall be lighted at night. Lighting fixtures must be so spaced and so equipped as to provide adequate levels of illumination throughout the development for the safe movement of vehicles and pedestrians. Lighting fixtures shall meet requirements of Ch. VII-F(2)(x).
- Parking lots with more than 10 spaces shall be landscaped. The landscaping must cover a minimum of 10% of the total area to be paved. Parking lot landscaping must be in the form of landscaped islands. Landscaped islands must be protected by curbs, curb stoppers, fences or raised planters. Interior islands must be planted with ground cover and contain at least one deciduous or evergreen tree per 150 square feet of landscaped island area, with a minimum of one deciduous or evergreen tree per island.

e) Road Surfacing and Construction

i. General

- Gravel Roads - Gravel roads shall meet the standards of Ch. VII-F(4)(e)(ii) below.
- Paved Roads - Paved Roads shall meet the standards of gravel roads prior to applying the paved surface.
- Temporary cul-de-sacs or turnarounds - The turnaround portion of a road designed to continue in another future road segment shall be constructed to gravel road standards.
- Roads shall be built to carry the largest current or anticipated fire trucks in the district serving the subdivision. If none is specified by the fire district authority, the minimum weight capacity shall be 75,000 pounds, as identified in the International Fire Code. Roads shall be constructed to ensure proper drainage.

- Where construction standards are not adequately explicit in these subdivision regulations or in locally adopted standards, the provisions of the Montana Public Works Standard Specifications (MPWSS) shall apply.

ii. Gravel Roads

Gravel roads shall be constructed to standards in the MPWSS, as follows.

- Exception for 2-Lot Roads and Alleys. Roads in these categories are exempted from the following requirements for gravel construction if:
 - The road is certified by an engineer or licensed contractor to safely carry (without damage to the road) the largest current or anticipated fire trucks in the district serving the subdivision. If none is specified by the fire district authority, the minimum weight capacity shall be 75,000 pounds, as identified in the International Fire Code; and
 - Roadway subgrades must be free of topsoil, sod, vegetation or organic matter, soft clay, and other substandard materials. There shall be a minimum of four inches of sub-base course and two inches of crushed base course.
 - Streets and roads must be designed to ensure proper drainage.
- Density Control Testing to be conducted per MPWSS Section 02230 “Street Excavation, Backfill and Compaction,” Subsection 1.3 “Density Control Testing.”
- Sub-grade classifications and Requirements for Geotextile or Separation Fabric. Subgrades materials will determine if geotextile or separation materials are required below the sub-base. The classifications of sub-grade materials shall be used to describe existing site conditions:
 - Where sub-grade materials are classified as “Poor,” an approved geogrid and geotextile fabric combination shall be required unless sub-excavation is to a suitable soil horizon. Determination of a suitable soil horizon for the proposed road type shall be made by an engineer.
 - Where sub-grade materials are classified as “Average,” geotextile fabric shall be required unless the subdivider provides evidence from an engineer certifying that none is required using the methodology in Section 02110 “Geotextiles” of the MPWSS and using methodology per references in Subsection 1.2 of Section 02110, and MPWSS Section 02230 “Street Excavation” Subsection 1.3 “Density Control Testing” or by providing sub-excavation as provided in Ch. VII-F(4)(e)(i) above.
 - Geotextiles shall be installed according to all parts of Section 02110 of MPWSS.

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- Sub-excavation and replacement below subgrade shall be made in accordance with Parts 2.3 and 3.9 of MPWSS Section 02230 “Street Excavation, Backfill and Compaction.”
- Blasting - If blasting is required for road preparation, subdivider shall follow provisions of MPWSS Section 02221 “Trench Excavation and Backfill....” Part 3.3.D “Blasting.”
- Excavation, Backfill and Compaction - Shall be completed per requirements of MPWSS Section 02230 “Street Excavation, Backfill and Compaction.”
- Sub-Base Course shall be completed per requirements of MPWSS Section 02234 “Sub Base Course.”
- Crushed Base Course shall be completed per requirements of MPWSS Section 02235 “Crushed Base Course.”

iii. Paved Roads

Paved roads shall have a paved surface unless the context for pavement is a higher standard material.

- Asphalt Standard
 - The standards for asphalt shall be those per MPWSS Section 02500 “Paving and Surfacing,” including asphalt primer and/or tack coat (Section 02502), asphalt seal coat (Section 02504) and pavement markings (Sections 02581 and 02582).
- All Other Paved Road Types
 - When the context calls for another pavement type, such as concrete, the road shall be constructed to meet the higher standard.

iv. Cut and Fill Standards

- Roads proposed in areas with greater than 60% slopes shall not be approved.
- Where cuts and fills are necessary, they shall be built to standards in Ch. VII-F(4)(c) “Grading Standards” and MPWSS Section 02230 “Street Excavation, Backfill and Compaction,” Subsection 3.8 “Embankment Placement and Compaction.
- Cut and Fill slopes for roads shall be designed and constructed to be stable over time and with slopes that can be revegetated. “Balanced Cut and Fill” is the desired standard.
- Cuts and fills shall be designed for stable slope and storm drainage that does not overtop the road, to avoid the problems.

v. Revegetation

The standards of VII-B-7 shall apply.

vi. Curb and Gutter Standards

The standard shall be that of the local jurisdiction. Where no standards exist the following shall apply:

- Continuous curb cuts are prohibited.
- Where curb and gutter is used in a storm drainage system, a Type F curb shall be used.
- Residential-only subdivisions may utilize a rolled curb.
- Curb and gutter shall be installed per requirements of MPWSS Section 02528 “Concrete Curb and Gutter.”

f) Construction of Sidewalks, Pedestrian and Bike Paths

The type of sidewalk or path (concrete, asphalt, aggregate, etc.) shall be based on the context or as required in adopted plan (e.g., a concrete sidewalk on adjacent property shall be continued on the subdivision property). The subdivider’s engineer shall certify that the construction and materials are comparable to adjoining paths and sidewalks. Where there are no standards for concrete sidewalks, they shall be built to standards of MPWSS Section 02529 “Concrete Sidewalks.”

g) Roads Crossing - Watercourse and Irrigation Facilities

i. Permits or Other Approval

- A permit “Floodway/Floodplain Provisions” is required to construct a bridge or culvert or wherever a road crosses a watercourse.
- Other permits, such as a US Army Corps of Engineers “404” permit may be required depending on the type of watercourse. It is the subdivider’s responsibility to obtain the necessary permits for watercourse crossings prior to construction.
- All roads that intersect or cross water conveyance facilities shall be agreed to in writing by the water users and/or water conveyance facility’s authorized representatives.

ii. General Standards for Design and Construction

- Where local jurisdictions have adopted bridge or culvert standards, those standards shall apply.
- Where separate standards apply to water conveyance facilities, as determined by authorized representatives of the facilities, those standards shall apply.
- Where there are no locally adopted bridge or culvert standards or standards do not sufficiently describe design and construction, the crossing shall be designed by an engineer to AASHTO standards for the design speed and projected traffic of the bridge crossing.
- In addition to the three bullet points above, the following standards for bridges and culverts shall apply.

iii. Bridge Standards

- Projected Future Traffic - Bridges shall be designed to accommodate the level and type of traffic made necessary by the subdivision and current users at the time of final plat. Projections shall be made using methodology to be identified by the engineer and approved by the administrator. At a minimum the projected future traffic should take into account traffic from the proposed subdivision and from other future developments that would likely utilize the bridge.
- Scouring - Bridges shall be designed to accommodate the scour that occurs at the 100-year and 500-year flood events.
- Load Capacity - Bridges shall be designed to carry an AASHTO standard HS-20 or HL-93 load.
- Pedestrian and Bicycle Needs - The pedestrian and bicycle needs shall be designed by an engineer to meet the needs safely.
- Provision for High Water
 - The lowest horizontal chord of the bridge shall be at least two feet above the base flood elevation to help pass ice flows, the base flood discharge, and any debris associated with the discharge.
 - For water conveyance facilities, the bridge shall be at least two feet above the highest water flow for the facility and include base flood discharge.
- Railings - Citing applicable AASHTO standards, the engineer shall design railings to safely accommodate future projected motorized and non-motorized traffic on the bridge.

iv. Culvert Standards

- Projected Future Traffic - Culverts shall be designed to accommodate the width of the road needed to convey motorized, pedestrian and bicycle traffic. Projections shall be made using methodology to be identified by the engineer and approved by the administrator. At a minimum the projected future traffic should take into account traffic from the proposed subdivision and from other future developments that would likely utilize the bridge.
- Scouring - Culverts shall be designed to accommodate the scour that occurs at the 100-year and 500-year flood event.
- Load Capacity - Culverts shall be designed to carry an AASHTO standard HS-20 or HL-93 load.
- Width
 - The road extending over the watercourse or water conveyance facility shall at a minimum be the same width as the road on either side of the culvert and sufficiently wide to safely accommodate pedestrians and bicyclists.

- All culverts shall, at a minimum, extend across the entire improved width of the road cross section.
- Provision for High Water
 - Culverts shall be designed to pass the base flood discharge and maintain at least two feet freeboard on the crossing surface.
 - For water conveyance facilities, the culvert shall be designed to maintain at least two feet freeboard on the crossing surface to pass the highest water flow for the facility and include base flood discharge.

5. Rights of Way, Easements, Off-Site Road Improvements, and Responsibilities For Roads

a) Road Dedication

i. Municipalities

Streets in municipalities are typically dedicated on the face of the plat to the public and accepted into the municipality as parcels of land (right-of-way). In some cases municipalities may not wish to accept additional roads. In that case the road may either be established as a parcel to be owned by a property owners' association or as an easement granted to a property owners' association or to the appurtenant property owners.

ii. Counties

County roads in Montana are typically by easement, where the property owners on either side of the road own to the centerline of the road.

iii. Dedication to Local Government

A road or street is not a municipal or county road unless it has been expressly accepted by the governing body on the face of the plat.

iv. Other

When local governments do not accept a road dedication to the public, the following statement shall appear on the final subdivision plat:

"The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, cable television, water or sewer service, mail and package delivery, public schooling, law enforcement, fire protection and emergency medical services the right to joint use of an easement for the provision of services and facilities including the right to travel on subdivision roadways as well as for the construction, maintenance, repair and removal of their lines and other facilities in, over, under and across each area designated on this plat as an access and/or utility easement to have and to hold forever."

AND where appropriate:

“Roads identified as ‘stubs’ on this plat shall be extended provided the parties creating the extension pay for the extension and road improvements within [name of subdivision] needed to accommodate additional traffic. The parties creating the extension shall also participate in facility maintenance as provided for in the Road Maintenance Declaration filed with this plat.

b) Rights-of-Way and Easements – Width and Location:

i. Road Rights-of-Way and Easements

Road easements shall be sufficient to accommodate the infrastructure required or anticipated for the road including sidewalks, pedestrian and bicycle paths, snow storage, storm drainage, and utilities including electricity, gas, telecommunications, water, and sewer. These requirements vary from subdivision to subdivision. Road right-of-way and easement widths shall be calculated using the minimum road width and additional widths for other required facilities as identified.

ii. Easements – Generally

No portion of a structure or other obstruction shall be placed in easements described below with the exception of cut and fill easements, which may include retaining walls and other soil stabilization structures.

iii. Municipal Urban Fringe Area/Growth Area

For subdivisions within a municipal growth area as described in an adopted growth policy or other document adopted by the governing body, the right-of-way shall provide enough width to accommodate municipal infrastructure and correspond at a minimum to the right-of-way for the anticipated municipal classification if the area is annexed in the future. For municipalities without an adopted growth area map, the growth area shall be considered as the area within one mile of a town or third-class city, two miles of a second-class city, or within three miles of a first-class city.

iv. Storm Drainage Systems - Storm drainage easements along roadways shall accommodate the swale or other facilities as required by DEQ or when no DEQ is required, the requirements in Ch. VII-F(4)(c).

v. Pedestrian and Bicycle Facilities

- The bike and pedestrian facilities must be separated from the roadway as follows:
 - Gravel roads and paved roads with no curb and gutter: The storm drainage swale and/or utility corridor (refer to Ch. VII-F(5)(b)(i) regarding road-related utility easements) shall separate pedestrian facilities from the roadway edge. At a minimum this shall be no less than three feet.
 - Paved roads with curb and gutter: Separation shall be a minimum distance of three feet on Local Roads, five feet on Subcollectors, Collectors, and Arterials.

vi. Snow Removal and Storage - Road easements shall provide adequate width for snow removal and storage. Where snow cannot be stored safely within the existing

road easement, special areas for snow storage shall be designated as easements either adjacent to the roadway or off-site.

- vii. Pull-outs and Turn-arounds for Fire Department Access - Where pull-outs and turn-around areas are needed along the roadway, the right-of-way and/or easement shall be adjusted as needed to incorporate these areas.
- viii. Cut and Fill Easements - Where a cut or fill area of a road is outside of the normal right-of-way or easement, a slope easement of sufficient width shall be required to allow maintenance of the cut or fill area.
- ix. Utility Easements – Water, Sewer, Gas, Electric, Telephone, Cable
 - Public or multi-user water and sewer systems are typically placed in the road. If additional easement is needed outside of the road, the easement shall be as prescribed in standards adopted by the local jurisdiction. If none exist or have insufficient detail, width of easement shall be determined in coordination with DEQ and the facility owner.
 - Trenches for co-locating electric, telecommunications, and gas shall be a minimum of 18 inches in width, unless otherwise designated in writing by the utility companies. The easement may be located within or outside of the road right-of-way or easement, unless otherwise specified by standards adopted by the local jurisdiction or by utility companies.
 - Parallel separations shall be as follows:
 - If a public or multi-user water or sewer system is proposed, parallel separations for water supply, sewer, and storm drainage facilities shall be as required by DEQ.
 - Electric, telecommunications, and gas utilities shall be separated from water supply systems by 5 feet, from sewer systems by 10 feet, and from storm drainage systems or irrigation facilities by 5 feet, unless otherwise designated in writing by the utility company.

c) Waiver of Right to Protest Improvement District

Whenever a subdivision includes easements or other provisions for infrastructure such as sidewalks, bike paths, street lighting, etc. the subdivision plat shall include a “Waiver of Right to Protest” the formation by the governing body of a special taxing district to pay for the improvements. A template for such language is included in Supplemental Administrative Materials.²

d) Off-Site Easements

² As noted in Ch. I-K, Jurisdictions will adopt regulations to suit their local needs. Many Montana governmental units post Subdivision Regulations, forms and Supplemental Administrative Materials to their websites. For additional examples of Supplemental Administrative Materials, please contact the Community Technical Assistance Program at DOCCTAP@mt.gov.

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- i. Where access to the subdivision is other than from a public road (or other road with clearly established public access) the subdivider shall obtain easements of sufficient width to satisfy the requirements of this chapter. Such easements must be granted in perpetuity by the parties to the easement, in a signed and notarized document and be recorded prior to or concurrent with final plat filing. Where the dedication of the existing easement is unclear, the subdivider shall obtain the easement from those persons owning lands crossed by the road.
- ii. The location of any road or utility easements used to access the subdivision must be shown on the preliminary plat or on a supplemental map. The existence of easements providing legal access to the subdivision shall be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision.

e) Substandard Municipal or County Road leading to a Subdivision

i. General

When a substandard road is used to access a subdivision, the governing body shall consider the two options below for improving the road and choose the option that in its estimation is most likely to result in (A) improved safety and efficiency along the road and (B) equitable distribution of the costs related to the extension of capital facilities. The most obvious travel route due to convenience and destinations shall be used for determining traffic flows and counts.

ii. Option 1 (generally for major subdivisions but may be applied to minors):

- Where a subdivision is accessed by a substandard road, the subdivider shall be required to contribute to the local jurisdiction an amount equal to the proportional share of the improvements necessary to bring said road up to the standards for the relevant functional classification as identified in these subdivision regulations.
- The cost of improvements shall be determined by a consulting engineer who shall identify the road deficiencies and estimate materials, labor and other cost items necessary to bring the road to the determined standard. The consulting engineer shall be selected with approval from the administrator and the jurisdiction's public works director or road supervisor. Costs of the consulting engineer shall be borne by the subdivider. Note: Typically the subdivider's engineer would provide this information.
 - The subdivider's proportional cost shall be found by adding current ADT figures from the road to the projected ADT to be generated by the subdivision, then dividing the projected subdivision ADT by the total. (Please see the example below.) ADT shall be determined by recent counts by the jurisdiction, if available, or by an independent agent to collect traffic count data over a one week period, and may be required to be adjusted for seasonal fluctuations. The independent agent shall be selected with approval from the administrator and jurisdictions public works director or road supervisor. Again, this would normally be the subdivider's engineer. Costs are to be paid by the subdivider. Traffic count locations shall be determined by the administrator and public works director or road supervisor.
 - As determined by the governing body, the subdivider's funds will either:

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- Be deposited into an account held by the local jurisdiction in a dedicated fund for the road improvements and will be used only for improvements to the substandard road; or
- The developer will use the funds to make the specified improvements to the substandard road prior to final plat filing or under an improvements agreement.

iii. Option 2 (generally for minor subdivisions but may be applied to majors):

Where a subdivision is accessed by a substandard municipal or county road, as a condition of plat approval the governing body may require the future lot owners to waive their right to protest the formation of a rural improvement district related to access and drainage improvements that will benefit the future owners.

f) Substandard Privately Maintained Roads Leading to a Subdivision

Where a subdivision is accessed by a substandard road that is maintained privately or by an entity other than the municipality or county, the subdivider shall make all improvements that are necessary to bring that road up to locally adopted standards, or the standards for the relevant functional classification as identified in these subdivision regulations. The subdivider shall be required to enter into a maintenance agreement so that the road is maintained over time.

g) Payback Agreement

For improvements that a subdivider constructs beyond those that are directly attributable to the subdivision, including those used to access other unsubdivided or subdivided lands, the subdivider may request a payback agreement in order to provide a mechanism for reimbursement for a portion of the costs the subdivider incurs which are not directly attributable to impacts caused by the subdivision. Payback funds would be exacted from future subdividers and others who directly benefit from the capital improvements.

h) Private Roads – Maintenance Declaration

Subdivisions with a new road shall include a road maintenance declaration that shall be filed concurrent with or prior to the final plat. The declaration shall only contain items related to road maintenance, and include the following:

- i. A description of the parcels subject to the agreement;
- ii. A description of the road(s) and appurtenant facilities, including storm drainage, pedestrian and bicycle facilities, etc. that are subject to the agreement;
- iii. Statement that the agreement is binding on any person having an interest in a parcel that is subject to the agreement;
- iv. Extension of road “stubs” that extend to the property boundary shall be allowed under the following circumstances:
 - The cost of the extension is paid for by the party creating the extension;
 - The extension shall not result in incompatible traffic type, such as semi-trucks in residential areas;

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- The party creating the extension shall pay for improvements to the road and related facilities (storm drainage, pedestrian-bike paths) resulting from increased traffic due to the extension;
 - The existing easements within the subdivision provide adequate capacity for projected increases in traffic; and
 - The properties served by the extension shall become parties to this Road Maintenance Agreement, but may have reduced voting rights;
- v. That any party providing public utilities, mail and package delivery, public schooling and emergency and public safety services shall have an easement over the road for such utilities and services;
 - vi. That decisions to undertake any road, bicycle or pedestrian facility maintenance and improvements are the responsibility of the owners of the parcels subject to the agreement, and such decisions shall be based on a majority vote of the parties to the agreement;
 - vii. A description of who is eligible to cast a vote and the number of votes per parcel;
 - viii. A description of how the costs of maintenance will be assessed (equally or disproportionately) against the parties to the agreement;
 - ix. A description of how the amount will be assessed in the event a party subdivides a parcel subject to the agreement;
 - x. A description of how the amount will be assessed in the event outside parties (owners of lots outside of the subdivision) may be required to use the road and pedestrian and bicycle facilities;
 - xi. In the event that an assessment becomes delinquent, the assessment and interest and the cost of collection shall become a continuing lien on the parcel;
 - xii. The agreement is perpetual and cannot be rescinded unless the county, state or a municipality agrees to maintain the roadway and/or pedestrian and bicycle facilities described in the agreement;
 - xiii. Maintenance shall include dust control, stormwater facilities, traffic control devices, snow removal, ordinary upkeep, reconstruction and pedestrian and bicycle facility installation, as applicable; and
 - xiv. The agreement may be amended, but only with the consent of the governing body.

Condominiums

- a) Design Standards. The design standards for condominiums are the same as for all other subdivisions, as identified in Chapter VII, with the following additions.
 - i. No property shall bear a name using a word which is the same as, similar to, or pronounced the same as a word in the name of any other property or subdivision in the same county, except for the words “building”, “court”, “place”, or similar words;
 - ii. Off-street and guest parking shall be required in proximity to the unit served;
 - iii. covenants prohibiting the location of boats, trailers or other recreational vehicles within the condominium property shall be established;

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- iv. Parkland dedication shall be calculated and applied to condominium developments in those locations that do not have zoning.

Mobile Home Parks

- a) Mobile Home Park Design Standards. Mobile home parks are subject to the design standards in Chapter VII with the following exceptions and additions:
 - i. There shall be no road or street easement required in mobile home parks. Roads shall be dedicated to the use of the mobile home park and guests and owned and maintained by the property owner.
 - ii. One off-street parking space per five units shall be required in front of the manager's office and any communal facilities such as restrooms/shower/laundry facilities, recreational buildings, and retail facilities.
 - iii. All mobile home parks may be subject to lighting requirements for roads and public spaces. Lighting shall be required if the subdivision includes spaces with road frontage of less than 30 feet each or when the overall density is 20 spaces per acre or greater. Calculations shall be based on the net acreage of mobile home spaces, exclusive of roadways and public areas.
- b) Mobile Home Space Requirements.
 - i. Mobile home spaces shall be arranged to permit the safe and practical placement and removal of mobile homes;
 - ii. The requirement for 50-foot minimum street frontage in Chapter VII does not apply to mobile home spaces;
 - iii. The boundary of each mobile home space shall be permanently delineated on the ground;
 - iv. An individual mobile home pad at least 14 feet wide and 70 feet long shall be provided in each mobile home space. These pads shall be constructed on at least six inches of gravel over a stabilized sub-base.
 - v. Setbacks.
 - A. Minimum side setbacks shall be 15 feet for principal buildings and 10 feet for accessory buildings.
 - B. Minimum rear setback shall be 10 feet.
 - C. Minimum front setback shall be 10 feet.
 - D. All mobile homes and appurtenances, including vehicle parking, shall be located a minimum 50 feet from the property line abutting a major arterial and a minimum 25 feet from all other public road rights-of-way.
 - E. All mobile homes and appurtenances, including vehicle parking, must be located a minimum 10 feet from a private road serving the space/unit.
 - vi. The total area occupied by a mobile home and its roofed accessory buildings and structures may not exceed 2/3 the area of a space.
 - vii. Setbacks for mobile home spaces, mobile homes and appurtenances, including vehicle parking, shall be a minimum 15 feet from the exterior boundary of the surveyed mobile home park or adhere to the local zoning code requirements, whichever is more stringent.

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- viii. No mobile home or it's attached (e.g. awnings, carports) or detached structures (e.g. storage sheds) may be located within 20 feet of another mobile home or its attached structures.
 - ix. A minimum of two off-street parking spaces must be provided on or adjacent to each mobile home space. The driveway must be located to allow for convenient access to the mobile home and be a minimum of 10 feet wide.
 - x. Each mobile home shall be skirted within 60 days after it is moved onto a space within the mobile home park. Skirting shall consist of a fire-resistant material similar to that of which the mobile home exterior is constructed and shall be attached to the mobile home.
 - xi. Mobile home parks shall dedicate land to use as park or recreation area. The area to be dedicated shall be 11% of the total mobile home park area as surveyed for the site plan pursuant to Ch. VII-E(7). These areas shall remain in private ownership and shall not be dedicated to the public unless specifically accepted by the local governing body. It shall be the responsibility of the mobile home park owner to maintain the park and recreation area. The governing body may accept cash-in-lieu of park dedication in circumstances where it is demonstrated park land is not necessary to serve the mobile home park.
 - xii. Mobile home parks located adjacent to industrial, commercial, or lower-intensity residential land uses (e.g. single family residential) shall provide screening such as fences or natural growth along the property boundary line separating the park from these adjacent uses.
 - xiii. Underground electrical service shall be installed to each mobile home space. If natural gas is provided, it shall also be installed underground. No propane tanks shall be allowed on mobile home spaces unless it can be demonstrated the tank complies with applicable local fire code, or if no local fire code exists, with state or national standards. To demonstrate compliance, the subdivider must include these requirements in the lease agreement.
 - xiv. The governing body may require that a common area be provided for the storage or parking of boats, trailers, or other recreational vehicles. If such a common area is included, it shall be restricted for storage only and no structure, vehicle, boat or other container may be used for living inhabitation. This common area shall not be calculated or applied as part of the required parkland dedication.
- c) RV Park Design Standards
- i. Road and Public Parking Requirements
 - A. There shall be no road easement dedications required in RV parks. Roads shall be dedicated to the use of the RV park guests and owned and maintained by the property owner.
 - B. Off-street parking spaces are required in front of the manager's office and any communal facilities such as restrooms/shower/laundry facilities, recreational buildings, retail facilities, etc.
- d) RV Space Standards
- i. RV spaces shall be arranged to permit the safe and practical placement and removal of RVs.
 - ii. The requirement for 50-foot minimum street frontage in Chapter VII does not apply to mobile home spaces.

- iii. The prohibition on through or double front lots in Chapter VII does not apply to RV spaces as long as the access roads accommodate this through use of one-way streets or wider streets to accommodate turns.
- iv. The boundaries of each RV space shall be permanently delineated on the ground.
- v. An individual RV pad shall be provided in each RV space and sized to accommodate the proposed type of RV. The pads shall be constructed on at least six inches of gravel over a stabilized sub-base.
- vi. All RVs shall be located at least 50 feet from the property line abutting upon a major arterial and at least 25 feet from all other public street rights-of-way.
- vii. Setbacks for RV spaces shall be a minimum 15 feet from the exterior boundary of the surveyed RV park or adhere to the local zoning code requirements, whichever is more stringent.
- viii. No detached structures are allowed in a designated RV space.
- ix. No RV or its attached structures (e.g. awnings) may be located within 20 feet of another RV or its attached structures.
- x. One off-street parking space must be provided on or adjacent to each RV space. The driveway must be located to allow for convenient access to the RV and be a minimum of 10 feet wide.
- xi. RV parks shall dedicate land to use as a park or recreation area. The area to be dedicated shall be 11% of the total RV park area as surveyed for the site plan pursuant to Ch. VII-E(7). These areas shall remain in private ownership and shall not be dedicated to the public unless expressly accepted by the local governing body. It shall be the responsibility of the RV park owner to maintain the park and recreation area. The governing body may accept cash-in-lieu of park dedication in circumstances where it is demonstrated park land is not necessary to serve the RV park.
- xii. RV parks located adjacent to industrial, commercial, or lower-intensity residential land uses (such as single family residential development) shall provide screening in the form of fencing or natural landscaping along the property boundary line to mitigate visual impacts to adjacent properties as well as mitigate potential negative impacts from adjacent uses on RV park guests.
- xiii. The governing body may require that a common area be provided for the storage or parking of boats, trailers, or other recreational vehicles. If such a common area is included, it shall be restricted for storage only and no structure, vehicle, boat or other container may be used for living inhabitation. This common area shall not be calculated or applied as part of the required parkland dedication.